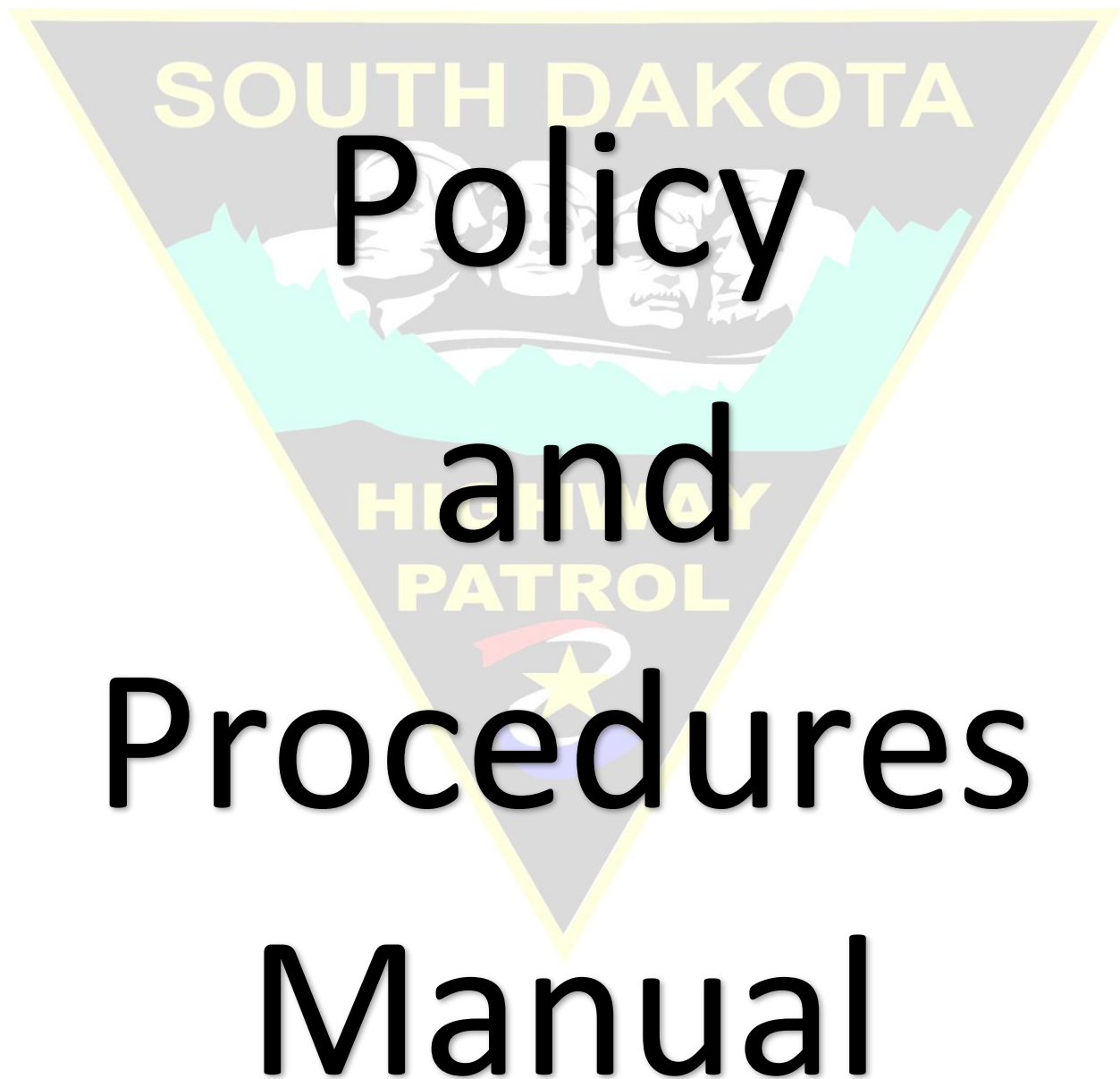


SOUTH DAKOTA HIGHWAY PATROL



SOUTH DAKOTA HIGHWAY PATROL

OPERATIONS MANUAL

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CHAPTER 1 – ORGANIZATIONAL STRUCTURE

1.1 - ORGANIZATIONAL CHART

The Departmental Organizational Chart is formed to graphically depict the levels of command, lines of authority, and positions established within the Division. The organizational chart will be reviewed and updated through the Superintendent when changes occur.

1.2 - CAVEAT

This **OPERATIONS MANUAL** is for INTERNAL USE ONLY, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of these rules and regulations, if proven, can only form the basis of an administrative action from within the Division, and then only in a non-judicial administrative setting.

1.3 - DEFINITION OF TERMS

The following definition of terms shall apply whenever used in the articles of this Operations Manual.

Absenteeism

Failure to report for duty without proper and sufficient reason and without securing proper approval in advance.

Acting

Serving temporarily in a position to which a uniformed member is not ordinarily assigned, usually in a position of higher rank.

Active Resistance

Affirmative steps taken by an individual to defeat an officer's ability to arrest or control them.

Area

The geographical areas and boundaries into which the state has been divided for the

purposes of operations and administration.

Assistant Squad Leader

A trooper selected by a District Commander to handle administrative and limited supervisory responsibilities for a squad in the absence of the District sergeant. This position is not permanent and the trooper will hold this position at the pleasure of the District Commander.

Backup Handgun

A second handgun that officers may carry while on-duty.

Body Cavity Search

Any search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity.

Canine

See, "Police Service Dog".

Chain of Command

The unbroken line of authority for all uniformed members extending from the Division Superintendent through a single subordinate at each level of command down to the level of execution, and vice versa.

Civilian Member

A general term to include members of the Division who do not have police powers and have not taken the oath of an officer.

Commanding Officer

A superior officer assigned to exercise command over a District or other unit of the Highway Patrol.

Compensation Day

A day off given in lieu of a lost day off or for a holiday worked.

Deadly Force

Force which creates a substantial likelihood of death or serious bodily harm.

Department Legal Counsel

A legal representative provided by the PEPL fund to represent the interest of the Highway Patrol as well as an employee of the Highway Patrol during civil liability proceedings.

Discovery

Part of the pre-trial litigation process during which each party requests relevant information and documents from the other side in an attempt to "discover" pertinent facts.

Dismissal

The act of terminating the service of a member without their consent.

District/Zone

The geographical areas and boundaries into which the state has been divided for the purposes of operations and administration.

District Commander

An officer of superior rank assigned to command a District, and who reports to the Assistant Superintendent or the Superintendent.

District Headquarters

The Highway Patrol office located in each of the authorized District areas throughout the state.

District Sergeant

An officer holding the rank of sergeant who is responsible for the supervision of a squad or zone.

District sergeants promoted from the trooper rank shall be governed by the Law Enforcement Civil Service rules for certified officers.

Division

The Division of Highway Patrol.

Division Headquarters

The building in the city of Pierre in which the staff and administrative personnel of the Division are located.

Division Members

All employees of the Highway Patrol.

Drug

For the purposes of the Drug Evaluation and Classification Program, a drug is any substance that, when taken into the human body, can impair the ability to operate a motor vehicle safely.

Drug Evaluation and Classification Program

A program designed to instruct officers to use a systematic, standardized, post-arrest procedure to determine whether a suspect is impaired by one or more categories of drugs.

Drug Recognition Expert (DRE)

An individual who has successfully completed all phases of training requirements for certification established by the International Association of Chiefs of Police and the National Highway Traffic Safety Administration.

DRE Agency Coordinator

The uniformed member designated within the Highway Patrol responsible for maintaining program records, ensuring maintenance of program standards and conducting training and certification sessions within the Division. The agency coordinator shall report directly to the Assistant Superintendent.

DRE State Coordinator

An individual who has been designated to act as the statewide coordinator for the Drug Evaluation and Classification Program (DEC).

DRE Time

All time spent conducting an evaluation and completing the supporting documentation and reports.

Duty Day

Those hours during a duty day which are spent working an assigned or an emergency work shift.

Electronic Messaging Device (EMD)

For purposes of this policy, electronic messaging devices include personal computers, electronic mail systems, voice mail systems, electronic bulletin boards, Internet services, MDC, and facsimile transmissions.

Emergency Response

A situation in which the physical safety and well-being of an individual or the general public is directly jeopardized.

Evader

A driver who continues to drive their vehicle, refusing to pull to the right and stop when they know or should know that they are being signaled to stop by an officer, but who does not attempt to escape by driving recklessly and/or at high speeds.

Excessive Force

All force that is beyond that which is necessary to accomplish lawful objectives.

Field Supervisor

Sergeant, Lieutenant, Captain, Major, or Superintendent.

High Speed

Speeds above posted speed limit at which the officer may safely operate the patrol vehicle considering roadway conditions, traffic volume, and weather conditions.

IACP

The International Association of Chiefs of Police.

Immediately

Without unnecessary delay, "as soon as possible".

Immediate Supervisor

The next higher officer or Division member in the chain of command.

Immediate Threat

Impending or about to occur.

Impairment

One of the several terms used to describe the degradation of mental and/or motor abilities necessary for safely operating a motor vehicle.

In-Camera Inspection/Review

Refers to a hearing or inspection of documents that takes place in private, often in a judge's chambers.

Inspection

The regular or periodic examination of personnel as to appearance, uniform, equipment, duties, and operations for compliance with standards prescribed by the Superintendent.

Insubordination

The willful disobedience of any order lawfully issued by a superior officer, or any disrespectful, mutinous, insolent, or abusive language toward a superior officer.

Intentional Contact

Deliberate, calculated contact between a Division operated vehicle and another vehicle. A high risk maneuver that may present extreme danger.

Inter-jurisdictional Pursuit

A pursuit involving police units from more than one law enforcement agency, jurisdiction or state.

Less Lethal Weapon

Any tool that by design or use is not intended to cause death.

Lethal Weapon

Any tool that by design or use is capable of causing death.

Leave of Absence

An extended period of time during which a uniformed member is excused from active duty with or without pay for specific authorized purposes.

Length of Service

The length of time that a uniformed member has been employed by the Division.

Master Inspector

A member of the Division who is not included in the classified law enforcement service, but who has arrest powers limited to motor carrier violations.

May or Should

"May" is permissive; "Should" is advisory.

Military Leave

The period of time during which a uniformed member is granted leave to perform active military service.

Mobile Data Computer (MDC)

A PC based computer installed in patrol vehicles.

Moderate Speed

Speeds of up to ten miles per hour above the posted speed limit, at which the officer may safely operate the patrol vehicle considering roadway conditions, traffic volume, and weather conditions.

Motor Carrier Inspector

A member of the Division who is not included in the classified law enforcement service, but who has arrest powers limited to motor carrier violations.

New Entrant Auditor

A member of the Division who is not included in the classified law enforcement service, but who has arrest powers limited to motor carrier violations.

NHTSA

The National Highway Traffic Safety Association.

Non-deadly force

All uses of force other than those that is likely to cause serious bodily harm or death.

Objectively Reasonable

The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented.

Off-Duty

The state of a uniformed member during their day off, compensation days, or when on authorized leave of absence at which time they are free of the responsibility of performing their usual duties.

Off-Duty Handgun

A privately owned handgun that an officer may carry while off-duty.

Officer

All uniformed members who are charged with enforcement duties, and who are defined as law enforcement officers under SDCL 23-3-27.

On-Call

Those hours during a duty day prior to or following a work shift, wherein the officer is available for emergency calls. On call status may be designated by the immediate supervisor.

On-Duty

Those hours during a duty day which are spent working an assigned or an emergency work shift.

Operations Manual

A written series of administrative instructions, operational procedures, rules, regulations, and policies which govern the operation of the Division.

Order

An instruction or directive, either written or oral, issued by a supervisor to a subordinate or

group of subordinates.

Pat-Down Search

A "frisk" or external examination of the outer garments of an individual for weapons only.
Reference Terry v. Ohio, 392 U.S. 1 (1968)

Patrol

A collective term applied to all Division members of the Highway Patrol, including all uniformed and civilian members.

Patrol Vehicle

A state-owned vehicle used by a uniformed member in the performance of their duties.

Patrol Territory

A geographic area of primary responsibility assigned a uniformed member by the District Commander.

Police Service Dog

A trained and certified Police Service Dog used by the Division of Highway Patrol to assist with law enforcement duties.

Police Service Dog Handler

A certified uniformed member of the Highway Patrol who has been trained in the care and handling of a police service dog, and who has been authorized and designated by the Highway Patrol to utilize a police service dog to perform law enforcement duties.

Police Service Dog Team

A police service dog handler and a police service dog.

Police Service Dog Unit

All of the police service dog teams shall comprise the police service dog unit for the Highway Patrol.

Primary Pursuing Unit

The police unit which initiates a pursuit or any unit which assumes control of the pursuit.

Probationary Period

The twelve-month interval starting from the date of initial appointment which is served by all new troopers. The six-month interval for motor carrier inspectors.

Procedure

A course of action for a given situation.

Profiling

The discriminatory practice of detention, selection, interdiction, questioning, arresting, seizing forfeitable assets, stopping or searching of a motor vehicle or individual or other disparate treatment of any person solely based on race, ethnicity, sexual orientation, disability, religious belief, age, or gender.

Rank

The classification of uniformed members of the Patrol.

Ranking Officer

The officer having the highest rank in grade based upon the date of appointment to that grade, unless otherwise designated by proper authority.

Reasonable Belief (for Use of Force)

Reasonable belief means that the person concerned, acting as a reasonable person believes that the prescribed facts exist.

(Referring case)

Graham v. Conner, 490 U.S. 386 (1989) set forth the objectively reasonable standard to determine whether the force applied was excessive.

A. Reasonable analysis contemplates careful consideration of the facts and circumstances of the encounter including:

1. The severity of the crime;
2. Whether the suspect poses an immediate threat to the safety of the officers and/or others;
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

B. Reasonableness is to be judged from the perspective of a reasonable officer on the scene rather than with the 20/20 vision of hindsight.

C. The reasonableness standard must make allowance for the fact that officers are often forced to make split second judgments in circumstances that are often tense, uncertain, and rapid moving.

D. The officer's underlying intent or motive is irrelevant to the "objective reasonableness" test, however, if the officer has malicious intent or demonstrates callous disregard for the suspect, the officer may be liable for punitive damages or possible criminal action.

Reasonable Suspicion

Also known as articulable suspicion, is more than a mere hunch based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is being committed, or is about to be committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his/her training and experience, and/or reliable information received from credible outside sources.

Reckless Evader

A driver who, in order to escape or avoid apprehension by an officer, drives their vehicle recklessly and/or at speeds which are so extreme under the prevailing conditions that their involvement in a collision is probable should they continue.

Records Management System (RMS)

Refers to the computerized system the Division uses to record catalog, retrieve, and analyze data collected by the agency and other sources. The RMS is comprised of combinations of hardware components and application software, but includes all other data gathered by peripheral hardware, software, employee input and other human and electronic resources.

Report

A written or oral communication relating to Patrol matters.

Resignation

The voluntary termination of employment by an employee.

Retirement

Conclusion of the active service of a Division member by reason of their attaining statutory years of service, age, or due to incapacitating disability.

Roadblocks

Any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to affect the apprehension of an actual or suspected violator in a motor vehicle or for any other lawful need.

Class A Roadblock

Stopping traffic by use of portable signs and/or emergency vehicle warning devices without physically blocking the roadway. A Class A Roadblock would normally be used during roadside traffic checks.

Class B Roadblock

Blocking the roadway with lightweight equipment which will cause little or no damage to a vehicle striking them, i.e., lightweight barricade devices, flares, pylons, etc.

A Class B roadblock may be used to warn motorists of severe road conditions, such as snow and ice which require tire chains or four wheel drive vehicles or flooding, or to reroute traffic due to washouts, construction or special events, etc.

Class C Roadblock

Physical blockage of the roadway with heavy material or equipment, i.e., patrol vehicles, state-owned equipment, etc., in order to force the vehicle to stop. Only government-owned materials and equipment shall be used for a Class C roadblock.

A physical roadblock shall be used as a last resort after other reasonable and less hazardous measures have failed and when stopping the vehicle is necessary to protect lives.

Temporary Roadblock

As defined in SDCL 32-33-11, any "structure, device, or means used by the duly elected or appointed officers of this state, and their deputies, for the purpose of controlling all traffic through a point on the highway whereby all vehicles may be slowed or stopped."

Serious Felony

A felony that involves an actual or threatened attack, which the officer has reasonable cause to believe, could or has resulted in death or serious bodily injury (i.e., aggravated assault, armed robbery, murder)

Serious Bodily Harm

(18 U.S.C. § 1365 (h) (3)): the term "serious bodily injury" means bodily injury which involves

- a. a substantial risk of death;
- b. extreme physical pain;
- c. protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Shall and Will

The words "shall" and "will" mean that action is mandatory.

Specialist

A uniformed member selected by Division to serve a special function.

Special Duty

Patrol service, the nature of which requires that the uniformed member be excused from

the performance of their regular duties.

Squad

A group of troopers, under the supervision of a District sergeant.

Standby Duty

That time during which an officer is subject to immediate recall to active duty for response to an emergency situation. It may apply to both on- and off-duty status.

Strip Search

Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces associated with the genital areas, breasts and buttocks.

Substantial Risk

The possibility that a certain and undesirable outcome or result is real and considerable.

Superintendent

The chief executive of the Division of Highway Patrol.

Superior Officer/Supervisor

Any Division member having supervisory responsibilities, either temporarily or permanently.

Suspension

Action taken in temporarily denying a Division member the privilege of performing their duties as a consequence of dereliction of duty, breach of discipline, misconduct, statutory violations, or violation of rules and regulations or policies and procedures.

Suspension with pay

A forced leave of absence, with pay, pending investigation of charges made against an employee.

Suspension without pay

A forced leave of absence without pay for disciplinary purposes;

Sworn Uniformed Member

Any Division member who is a certified law enforcement officer.

Systems Administrator

A member of the Highway Patrol and Bureau of Information and Telecommunications (BIT)

designated with the responsibility for managing all aspects of electronic messaging through individual computers and computer networks within the agency.

Trooper

Any Sworn uniformed member under the rank of sergeant.

Uniformed Member

All officers and motor carrier inspectors who are charged with enforcement duties.

Urgent Response

A situation where personal injury is likely to occur if immediate assistance is withheld.

Vehicle Pursuit

An active attempt by an officer in a patrol vehicle to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing speed or ignoring the attempt of the officer to stop the driver.

Work Shift

A period normally consisting of eight or ten on-duty hours during a duty day. This shall not mean that at the completion of the shift that the uniformed member's obligation to the Division or to the public has been fulfilled.

Zone

A group of troopers and motor carrier inspectors under the supervision of a sergeant.

1.4 - CHAIN OF COMMAND

1.401 - Chain of command is the delegation of authority, by rank, to uniformed members who are held accountable for carrying out the policies of the Division. It not only provides for the delegation of authority, but also enables the placing of responsibility and assures supervision and coordination of Division objectives. The chain of command must provide channels of communication, both up and down, and must be followed by each uniformed member of the Division regardless of rank. (This does not apply when exceptions are specifically authorized by the Superintendent or designee and is not intended to stifle suggestions or feedback.)

1.5 - SUPERINTENDENT

1.501 - The Superintendent is the commanding officer of the South Dakota Division of Highway Patrol. They shall be responsible for the administration, personnel, and operations of the Division. They shall have the authority to transfer personnel and to make duty assignments and promotions as they deem necessary in accordance with the laws of the State of South Dakota and the rules and regulations of the Law Enforcement Civil Service Commission and Career Service System.

They shall have the authority to counsel employees, issue oral and written reprimands, impose suspensions, and administer termination. They may also relieve Division personnel duties, pending administrative or criminal investigation when it is apparent a member is not physically or emotionally fit for duty. The Superintendent shall have the prerogative of delegating authority to other members of lesser rank.

1.502 - They shall be responsible for administering the necessary management functions of the Highway Patrol, including budget preparation, maintenance of activity records, procurement of supplies and equipment, attendance at meetings, and other duties related to the operation and management of the Patrol.

1.503 - They shall provide a sound law enforcement and traffic safety program in accordance with the laws, rules, regulations and policies prescribed by statute.

1.504 - They shall coordinate the functions of the Highway Patrol with those of other divisions, departments and agencies of government.

1.505 - They shall be responsible for appointing the supervisory staff for division and each patrol District.

1.506 - They shall provide an adequate training program for all Patrol personnel according to their respective needs.

1.507 - They shall establish and maintain an on-going evaluation and inspection program, setting standards and requirements for levels of activity and performance.

1.508 - They shall receive all complaints and allegations of misconduct by employees, or criticism of services, and provide for an investigation of each incident.

1.509 - They shall require the maintenance and security of files on all complaints and allegations received by the Division.

This file shall be confidential, and only the Division command staff shall have access.

1.510 - They shall establish and maintain a valid physical fitness program for the uniformed members of the Division.

1.511 - They shall maintain an up-to-date Operations Manual for the Division of Highway Patrol.

1.6 - ASSISTANT SUPERINTENDENT - FIELD OPERATIONS

1.601 - The Assistant Superintendent shall assist the Superintendent of the Division of Highway Patrol in the management of the field operations. They shall be responsible to the Superintendent, and will hold the rank of Major.

In the absence of the Superintendent, they shall assume command of the Division and shall have the full authority of the Superintendent.

They shall have the prerogative of delegating authority and shall have full authority to counsel personnel, issue reprimands, relieve personnel of duties pending administrative or criminal investigations, relieve from duty any person who is obviously emotionally or physically not fit for duty, and impose other sanctions subject to the concurrence of the Superintendent.

1.602 - They shall be responsible for the performance of all functions of the field operations of the Division, and shall execute all orders and directives of the Superintendent.

1.603 - They shall ensure compliance with all Division rules, directives, policies, and procedures.

1.604 - They shall supervise the performance of duties related to field personnel and all enforcement activities programs, and shall evaluate programs and functions of the line operation.

1.605 - They shall carry out an evaluation program, covering all field personnel.

1.606 - They shall coordinate emergency and disaster services activities with appropriate authorities.

1.607 - They shall coordinate the enforcement effort between other state, local, and federal law enforcement and governmental agencies.

1.608 - They shall coordinate field training activities with the staff assistant assigned those

duties.

1.609 - They shall assume primary responsibility for coordinating investigative activities pertaining to allegations of employee misconduct or criticism of Division services in conjunction with the Superintendent.

1.610 - They shall assume primary responsibility for collection of intelligence information that might affect the orderly operation of the Division, providing dissemination of all intelligence information to appropriate agencies of federal, state, and local government.

1.611 - They shall provide for the effective utilization of the Division aircraft.

1.612 - They shall ensure that an effective Motor Carrier Services Program is maintained by the Division.

1.613 - They shall maintain a liaison for the security of the Governor and the Governor's Mansion.

1.614 - They shall provide supervision for the SWAT Team.

1.615 - They shall provide interpretation of state law and department policy for field personnel.

1.616 - They shall keep the Superintendent advised on all matters having to do with the field operations of the Division.

1.617 - They shall perform such other duties as may be assigned by the Superintendent.

1.7 - ASSISTANT SUPERINTENDENT - ADMINISTRATIVE OPERATIONS

1.701 - The Assistant Superintendent shall assist the Superintendent of the Division of Highway Patrol in the management of the administrative functions of the Division. They shall be responsible to the Superintendent, and will hold the rank of Major.

In the absence of the Superintendent, they shall assume command of the Division and shall have the full authority of the Superintendent.

They shall have the prerogative of delegating authority and shall have full authority to counsel personnel, issue reprimands, relieve personnel of duties pending administrative or criminal investigations, relieve from duty any person who is obviously emotionally or

physically not fit for duty, and impose other sanctions subject to the concurrence of the Superintendent.

1.702 - They shall be responsible for the performance of all functions of the administrative operations of the Division, and shall execute all orders and directives of the Superintendent.

1.703 - They shall ensure compliance with all Division rules, directives, policies, and procedures.

1.704 - They shall supervise the performance of duties related to administrative personnel and all administration activities and programs, and shall evaluate programs and functions of the administrative operation.

1.705 - They shall carry out an evaluation program, covering all administrative personnel.

1.706 - They shall provide for the coordination and development of special projects and research and planning functions necessary for the administration of Division.

1.707 - They shall perform such other duties as may be assigned by the Superintendent.

1.708 - They shall be responsible for the performance of all functions of administrative services and support of the Division.

1.709 - They shall be responsible for those administrative functions related to supply, vehicle fleet, computer programs, training, and legal matters.

1.710 - They shall develop, maintain, and coordinate the supply, inventory, and management information system of the Division, and shall implement a line inspection program.

1.711 - They shall keep the Superintendent advised on all matters having to do with the administrative services of the Division.

1.712 - They shall supervise and evaluate the District and Division computer programs and needs, coordinating efforts with the District staff to ensure the computer equipment and programs are functional.

1.713 - They shall have a working knowledge of the computer equipment and programs in order to fairly supervise office staff responsible for data entry and retrieval. In the absence of office staff, they should be able to assist with required data entry and retrieval tasks.

1.714 - They shall be responsible for the accuracy, timeliness and completeness of data entered at the Division level. They should establish a review process to verify the accuracy of the District data entry information and procedures.

1.715 - They will provide for a liaison between Division and the Office of Highway safety that will prepare and submit grants and coordinate Highway Safety issues with other law enforcement agencies including the reservations.

1.8 - SPECIAL OPERATIONS SUPERVISOR

1.801 - The Special Operations Supervisor shall be responsible to, and shall assist the Assistant Superintendent with the operation of the Aviation Section, Governor's Protective Detail, Police Service Dog Program, Crash Reconstruction Program, Crash Assistance Program and SWAT. The Special Operations Supervisor will be the direct supervisor of the Police Service Dog Sergeants, the Trooper assigned to the Protective Detail, the Aviation Flight Officer and Accident Reconstruction sergeant.

They shall have the prerogative to delegate authority, counsel employees, issue reprimands, and relieve from duty any person who is obviously emotionally or physically not fit for duty.

They shall have the authority to assign and evaluate duties as necessary in the performance of their responsibilities, and shall have such other authority and perform such other duties as delegated or required by their supervisors.

1.802 - They shall be constantly aware of the quantity and quality of work performed by each person in their command, and shall perform an evaluation of all subordinates under their command.

1.803 - The Special Operations Supervisor shall be assigned to supervise the operation and administration of the Division Police Service Dog Program.

1.804 - The Special Operations Supervisor will maintain all pertinent records for the Police Service Dog Program as well as prepare and provide information as directed. These records include, but are not limited to, handler and PSD training and certification records, and PSD health records.

1.805 - They shall maintain and conduct a training and certification program for both PSD and Detection teams. This will include all statewide maintenance sessions and in-service training.

1.806 - All training requirements, certifying, and maintaining the certification of, the PSD/handler teams is the responsibility of the Special Services Supervisor.

1.807 - They shall be responsible for equipment utilized in the Police Service Dog Program. This will include the selection and purchase of new PSDs; assist with research, bid specifications, and purchase of PSD equipment.

1.808 - The Special Operations Supervisor will be assigned as the SWAT Team Leader. In that capacity, they will be responsible for the selection and training of new team members. They shall also provide for annual and in-service training for the team. They will maintain training records relating to specialized certifications and firearms qualifications of all team members.

1.809 - They will be responsible for all equipment associated with or assigned to SWAT. This includes assisting with the research, selection, and purchase of new equipment. They will conduct an annual inventory of all team equipment and shall ensure that all issued gear is in serviceable condition.

1.810 - The Special Operations Supervisor will, with the concurrence of the Superintendent and Assistant Superintendent, select an assistant team leader for each team.

1.811 - They will be responsible for the overall operation of the Highway Patrol Aviation Section. This includes maintaining records and reports for aircraft, preparing activity summaries, oversee the care, maintenance and storage of Division aircraft and evaluate employees of the section.

1.812 - They will establish and oversee the Governor's Protective Detail. They will coordinate security needs with the Governor's office and staff. They shall establish, and enforce, standard operating procedures for the protective detail. They will be responsible for unit selection as well as training and development of detail members. They will approve assignments and schedules for those assigned to the protective detail.

1.813 - They shall conduct periodic personnel inspections to ensure compliance with Division rules and regulations pertaining to performance, conduct, and appearance.

1.814 - They shall assist and train the sergeants they supervise in their role as leaders and supervisors.

1.815 - They shall foster an open line of communication within the chain of command, between District personnel and the general public.

1.816 - They will assist with other duties and projects as assigned

1.9 - DIVISION MANAGEMENT SERVICES OFFICER

1.901 - The Division Management Services Officer shall be responsible to and shall assist the Assistant Superintendent in the administrative functions of the Division.

They shall have the prerogative to delegate authority, counsel employees, issue reprimands, and temporarily relieve from duty any person who is obviously emotionally or physically not fit for duty.

They shall have the authority to assign and evaluate duties as necessary in the performance of their responsibilities, and shall have such other authority and perform such other duties as delegated or required by their supervisors.

1.902 - They shall supervise and evaluate the duties and performance of those personnel under their supervision to include the Capitol Protective Services, Monitor and Security Program, State Radio Communications and Fleet and Equipment.

1.903 - They shall thoroughly document any disciplinary problems addressed by them and shall report such actions up the chain of command.

1.904 - They shall act as the liaison between dispatch centers within the state.

1.905 - They shall ensure compliance with Division rules and regulations by all personnel under their supervision.

1.906 - They shall prepare work schedules and duty rosters for their personnel and shall provide initial authorization of leave based on the guidelines set forth by the Division.

1.907 - The Division Management Services Officer shall be assigned duties and responsibilities of the Division's fleet and equipment. In this role, their responsibilities include the supervision of the personnel assigned to supply and fleet preparation.

1.908 - They will research purchases, prepare bid specifications, and obtain bids, for the purchase of Division vehicles, equipment and supplies.

1.909 - They shall maintain a current inventory of Division equipment, uniforms and supplies.

1.910 - The Division Management Services Officer will oversee the operation of State Radio Communications. They will assist in carrying out field operations and administrative duties of State Radio Dispatch as well as providing supervision for the personnel assigned to them.

1.911 - They shall be responsible to schedule and provide training for State Radio employees.

1.912 - The Division Management Services Officer will be the point of contact for District supplies, vehicle and equipment issues and the approval of District purchases.

1.913 - They will act as liaison between Division and equipment, uniform and vehicle vendors. They will coordinate research and conduct testing on fleet related equipment. They will draft correspondence for the Superintendent and Assistant Superintendent on fleet related matters.

1.914 - They will assist the Division Budget/Staff Manager with vehicle and equipment budget planning. They will develop and implement a vehicle and equipment replacement schedule. They will monitor vehicle maintenance costs and fuel consumption for the Division fleet. They will prepare reports and make recommendations to improve efficiency when possible.

1.915 - They will be responsible for all spare, specialty, and vehicles used for training purposes. They shall supervise the maintenance, monitor costs, and coordinate all billing between Law Enforcement Training and Division related to vehicles used for training.

1.916 - They will handle the disposal of surplus vehicles and equipment. This includes salvage vehicles and vehicles or equipment sold at state auction.

1.917 - The Division Management Services Officer shall be assigned duties and responsibilities as the Federal Surplus Property Assistant Coordinator. This will include assisting law enforcement agencies that are attempting to procure equipment through this program and ensure compliance with the federal rules and regulations associated with the 1033 Program.

1.918 - They shall supervise office procedures and activities. They shall be responsible for data collection, filing systems, inventory, supply and research and planning activities.

1.919 - They shall be responsible for conducting the periodic physical fitness testing of all uniformed members assigned to Division Headquarters. They will coordinate training efforts with the Division Training Officer.

1.920 - They shall conduct inspections of equipment used by their personnel and recommend necessary repairs, replacements, alterations or changes as needed.

1.921 - They shall supervise and evaluate the Division's computer program needs coordinating efforts with District and Division staff to ensure the computer equipment and programs are functional.

1.922 - They shall have a working knowledge of the computer equipment and programs in order to fairly supervise staff responsible for data entry and retrieval. In the absence of office staff, they should be able to assist with required data entry and retrieval tasks.

1.923 - They shall be responsible for the accuracy, timeliness and completeness of data entered at the Division level. They should establish a review process to verify the accuracy of data entry information and procedures.

1.924 - They will act as the Division research and technology officer. In that capacity, they will work with the Bureau of Information and Telecommunications on technology related issues. They will remain current on technologies utilized by the Division and make recommendations on new or replacement products to improve operational efficiency.

1.925 - They will assist with other duties and projects as assigned.

1.10 - HOMELAND SECURITY LAW ENFORCEMENT LIAISON

1.1001 - The Homeland Security LE Liaison shall be responsible to, and shall assist the Assistant Superintendent as a liaison between Division and matters related to homeland security.

They shall assist the SD Fusion Center Director in the day to day operations of the center.

They shall have the authority to assign and evaluate duties as necessary in the performance of their responsibilities and shall have such other authority and perform such other duties as delegated or required by their superiors and within the SD Fusion Center.

1.1002 - The Homeland Security LE Liaison will serve as a liaison between the Division and federal, state and local agencies to facilitate information sharing through the Fusion Center.

1.1003 They will inform and assist the Homeland Security Advisor (HSA) in statewide security incidents and suspicious activity reports that affect the State of South Dakota

1.1004 - They shall be responsible for the security, operation and supervision of the South Dakota Fusion Center.

1.1005 - They will maintain the security roster for the State of South Dakota and reconcile that roster on a monthly basis with the Department of Homeland Security.

1.1006 - They will maintain accurate and current standard operating procedures for the Fusion Center. They shall follow National Information Sharing Guidelines.

1.1007 - The Homeland Security LE Liaison shall maintain a security clearance level of "top secret" granted through the Department of Homeland Security.

1.1008 - They shall set security goals, identify critical infrastructure and key resources, prioritize funding requests, implement protective programs and measure the effectiveness of those programs.

1.1009 - They shall maintain contact with the South Dakota Protective Services Advisor (PSA) with regards to critical infrastructure in the state of South Dakota.

1.1010 - They will assist with other duties and projects as assigned

1.11 - TRAINING AND PROFESSIONAL STANDARDS SUPERVISOR

1.1101 - The Training and Professional Standards Supervisor shall be responsible to the Assistant Superintendent - Administrative Operations and will oversee the training and recruiting function of the Highway Patrol.

They shall have the prerogative to delegate authority, counsel employees, issue reprimands, and relieve from duty any subordinate who is obviously emotionally or physically not fit for duty.

They shall have the authority to assign and evaluate duties as necessary in the performance of their responsibilities, and shall have other authority and perform such other duties as delegated or required by their superiors

1.1102 - They shall supervise and evaluate the duties and performance of those personnel under their supervision.

1.1103 - The Training and Professional Standards Supervisor will be assigned duties and

responsibilities related to the training functions of the Highway Patrol. This will include, but not be limited to, assisting with the trooper selection process, development, implementation and review of the training curriculum, providing for the daily evaluation of recruit troopers while in training, act as a liaison with the District on matters of training, maintaining records, reports, and summaries of the training program.

1.1104 - They will be assigned to assist with the duties and responsibilities related to the in-service training program for the Division. This will include, but not be limited to, identifying and evaluating departmental training needs, the development, implementation and review of an in-service training curriculum and the maintenance of all records and reports related to the in-service training program.

1.1105 - The Training and Professional Standards Supervisor shall act as a liaison between Division and Law Enforcement Training. They will be responsible to obtain and disseminate information on advanced training courses as they are made available from Law Enforcement Training.

1.1106 - They shall be assigned duties related to the recruitment of new employees and act as the point of contact for individuals seeking information about employment with the Highway Patrol.

1.1107 - The Training and Professional Standards Supervisor shall conduct investigations as assigned by the Superintendent.

1.1108 - They will assist with other duties and projects as assigned

1.12 - TRAINING AND PROFESSIONAL STANDARDS ASSISTANT

1.1201 - The Training and Professional Standards Assistant shall be responsible to the Training and Professional Standards Supervisor and will assist in carrying out training and recruiting function of the Highway Patrol.

1.1202 - They will be assigned to assist with the duties and responsibilities related to the in-service training program for the Division. This will include, but not be limited to, identifying and evaluating departmental training needs, the development, implementation and review of an in-service training curriculum and the maintenance of all records and reports related to the in-service training program.

1.1203 - They will be responsible to obtain and disseminate information on advanced training courses as they are made available from Law Enforcement Training.

1.1204 The Training and Professional Standards Assistant will conduct background investigations for civilian employees for the Department of Public Safety.

1.1205 - The Training and Professional Standards Assistant shall conduct investigations as assigned by the Superintendent.

1.1206 - They will assist with other duties and projects as assigned.

1.13 - CRASH RECONSTRUCTION COORDINATOR

1.1301 - The Crash Reconstruction Coordinator shall be responsible to and shall assist the Special Operations Supervisor in the administrative of the Crash Reconstruction Program.

They shall have the prerogative to delegate authority, counsel employees, issue reprimands, and temporarily relieve from duty any person who is obviously emotionally or physically not fit for duty.

1.1302 - They shall supervise and evaluate the duties and performance of those personnel under their supervision.

1.1303 - They shall document any disciplinary problems addressed by them and shall report such actions up the chain of command.

1.1304 - They shall ensure compliance with Division rules and regulations by all personnel under their supervision.

1.1305 - The Crash Reconstruction Coordinator shall supervise the operation and administration of the Crash Reconstruction Program.

1.1306 - They shall establish a process to become a Crash Reconstruction Specialist and oversee the promotion process for those interested in the Crash Reconstruction Specialist position.

1.1307 - They shall be responsible for equipment utilized in the Crash Reconstruction Program. This will include the selection and recommended purchase of new equipment.

1.1308 - They shall have a working knowledge of the computer equipment and programs utilized within the Crash Reconstruction Program.

1.1309 - They shall review all fatal, vehicular homicide, vehicular battery and any other cases specifically assigned to the Crash Reconstruction Program.

1.1310 - The Crash Reconstruction Coordinator shall be assigned to supervise the operation and administration of the Crash Assistance Program.

1.1311 - The Crash Reconstruction Coordinator shall be assigned to supervise the operation and administration of the Accident Review Board.

1.1312 - They will assist with other duties and projects as assigned.

1.14 - CRASH ASSISTANCE PROGRAM COORDINATOR

1.1401 - The Crash Assistance Program (CAP) provides services and support to assist individuals and their families that have been impacted by fatal or serious vehicle crashes. The program will be supervised by the Crash Reconstruction Coordinator.

1.15 - AVIATION FLIGHT OFFICER (PILOT)

1.1501 - The Aviation Flight Officer shall be supervised by the Special Operations Supervisor. They shall hold the rank to which they are qualified.

1.1502 - They shall be responsible for carrying out the functions of the aviation program, and shall promptly execute all orders given to them by their supervisors.

1.1503 - They shall meet all basic pilot requirements, including:

- Possess a current commercial pilot's license appropriate for the category and class of the type of Highway Patrol aircraft to be operated.
- Possess a current fixed wing instrument rating.
- Possess a current second-class medical certificate.
- Be in compliance with all requirements stated in the current insurance policy covering the aircraft.

1.1504 - They shall be responsible for filing all required flight plans and reports in accordance with Federal Aviation Administration Regulations.

1.1505 - They shall maintain all records and reports necessary to the operation of the aircraft, providing reports of activities and summaries to the Assistant Superintendent.

1.1506 - They shall provide for the care, maintenance, and storage of all aircraft and aircraft equipment owned or leased by the Highway Patrol, and shall carry out an ongoing inspection program to ensure that all aircraft are properly maintained.

1.1507 - They shall ensure that all affected personnel are advised of any changes in scheduled activities due to weather conditions, maintenance requirements, or special transportation assignments.

1.1508 - They shall utilize the aircraft as assigned and scheduled, patrolling the highways, whenever possible, when flying to and from scheduled activity sites.

1.1509 - The aircraft will be made available, whenever possible, for manhunts, search and rescue missions, fires, disasters, civil disturbance, surveillance, and other missions. The flight officer shall be governed by the following guidelines:

A. Requests for use of the aircraft for special assignments will be forwarded to and scheduled by the Assistant Superintendent.

B. At those times when the aircraft is on assigned duty within a Patrol District, the District Commander may, in an emergency situation, dispatch the aircraft to the area of need, and shall immediately advise the Assistant Superintendent of their action.

1.1510 - The flight officer shall have the authority to cancel any flight based upon their judgment of weather conditions, aircraft conditions, or their own physical conditions.

1.1511 - The flight officer will immediately notify their supervisor of all flight cancellations.

1.1512 - No person shall ride as an observer or passenger unless so authorized by the Superintendent or Assistant Superintendent. Liability releases will be required to be signed when so ordered by the Superintendent or Assistant Superintendent.

1.1513 - They shall perform such other duties as assigned.

1.16 - DISTRICT COMMANDER

1.1601 - A District Commander shall be the supervising officer of a Highway Patrol District. They shall be responsible to the Assistant Superintendent - Field Operations and will hold the rank to which they are qualified.

They shall have the authority to delegate and assign duties, issue reprimands, counsel employees, relieve personnel of duties pending administrative or criminal investigations, and relieve from duty any person who is obviously emotionally or physically not fit for duty. They shall have the authority to impose suspensions not to exceed three days duration.

1.1602 - They shall be responsible for both the operation and administration of the District, which includes planning, organizing, implementing, directing and evaluating these functions.

1.1603 - They shall be responsible for the proper supervision, evaluation, counseling and training of subordinates.

1.1604 - They shall foster cooperative relationships with subordinates, other police agencies, and the public to enhance the operational effectiveness of the District.

1.1605 - They shall promote the development of subordinate's knowledge, ability, and skills in order to enhance their effectiveness, efficiency, and expertise.

1.1606 - They shall remain current on developments in the field of law enforcement administration.

1.1607 - They shall be responsible for establishing missions, goals and objectives for their respective District and the accomplishment of all missions, goals, objectives, and obligations of the Division within the District.

1.1608 - They shall set and enforce high standards of efficiency, performance, and conduct for both uniformed and civilian personnel, and shall conduct periodic inspections to ensure compliance.

1.1609 - They shall thoroughly document and immediately report to the Superintendent or Assistant Superintendent, any disciplinary action taken by them.

1.1610 - They shall supervise and promote public relations programs within their District.

1.1611 - They shall maintain open lines of communication, both up and down the chain of command.

1.1612 - They shall be responsible for maintaining proper morale and attitude among the personnel assigned to their command.

1.1613 - They shall be scrupulously unbiased in their official and personal relations. They shall see that all assignments of duty are made as equitable as possible and shall make all preferred assignments on the basis of merit.

1.1614 - They shall be knowledgeable of the traffic and law enforcement problems within their area of responsibility.

1.1615 - They shall immediately conduct, or cause to be conducted, investigations pertaining to complaints or misconduct concerning District personnel and shall make recommendations for any actions warranted.

1.1616 - They shall establish liaison with the courts and prosecutors in order to enhance the working relationship between them and all personnel under their command, identifying and correcting, whenever possible, causes of weak court or prosecutorial support in traffic enforcement, and to report those problems that cannot be solved up the chain of command for further attention.

1.1617 - They shall be responsible for the maintenance and security of a District office, a record keeping system, and all issued equipment.

1.1618 - They shall delineate the duties and responsibilities of each civilian employee, and establish an orderly and functional office procedure requiring a routine system for handling office matters, which will include the proper channeling of all reports, correspondence, telephone calls, and other communications.

1.1619 - They shall require the maintenance of an accurate inventory of all Division equipment and supplies assigned within the District.

1.1620 - They shall ensure the monitoring of the expenses of their District and require the maintenance of records necessary for the preparation and presentation of the District budgetary needs to Division Headquarters.

1.1621 - They shall perform such other duties as may be assigned to them by the Superintendent or Assistant Superintendent.

1.1622 - The District Commander in command of the Motor Carrier Services District will have the responsibility for preparing an annual Commercial Vehicle Safety Plan Report as well as any other documentation required of the program.

1.17 - ASSISTANT DISTRICT COMMANDER - FIELD OPERATIONS

1.1701 - The Assistant District Commander - Field Operations shall be responsible to, and shall assist the District Commander in the field operation functions of the District and will hold the rank to which they are qualified.

They shall have the prerogative to delegate authority, counsel employees, issue reprimands, and relieve from duty any person who is obviously emotionally or physically not fit for duty.

They shall have the authority to assign and evaluate duties as necessary in the performance of their responsibilities, and shall have such other authority and perform such other duties as delegated or required by their superiors.

1.1702 - They shall be responsible for the general supervision of the field duties of personnel in their District, and shall be the direct supervisor of the District sergeants.

1.1703 - They shall assume full command and authority for the District in the absence of the District Commander, when so delegated by the Superintendent.

1.1704 - They shall coordinate District training efforts with the Training and Professional Standards Supervisor.

1.1705 - They shall aid the District Commander in planning of enforcement activities, and shall maintain uniform enforcement effort based upon Highway Patrol policy and procedures.

1.1706 - They shall familiarize themselves with traffic flow, accident statistics, highways, and other situations or conditions, which may affect or alter enforcement efforts of their personnel.

1.1707 - They shall be constantly aware of the quantity and quality of work performed by each person in their command, and shall perform an evaluation of all sergeants under their command, and shall review the evaluations of field personnel in their District.

1.1708 - They shall direct and participate in tactical operations in the field wherein personnel may be subjected to an above normal risk to health and safety.

1.1709 - They shall conduct periodic personnel inspections to ensure compliance with Division rules and regulations pertaining to performance, conduct, and appearance.

1.1710 - They shall assist and train District sergeants they supervise in their role as leaders

and supervisors.

1.1711 - They shall foster an open line of communication within the chain of command, and between District personnel and the general public.

1.1712 - The Assistant District Commander - Field Operations of the Motor Carrier Services District will have the responsibility of supervising the New Entrant Safety Audit program. They shall prepare the grant application, quarterly reports, as well as any other documentation required of the program.

1.18 - ASSISTANT DISTRICT COMMANDER - ADMINISTRATIVE OPERATIONS

1.1801 - The Assistant District Commander - Administrative Operations shall be responsible to and shall assist the District Commander in the administrative functions of the District. They will hold the rank to which they are qualified.

They shall have the prerogative to delegate authority, counsel employees, issue reprimands, and relieve from duty any subordinate who is obviously emotionally or physically not fit for duty.

They shall have the authority to assign and evaluate duties as necessary in the performance of their responsibilities, and shall have such other authority and perform such other duties as delegated or required by their superiors.

1.1802 - They shall coordinate District training efforts with the Training and Professional Standards Supervisor.

1.1803 - They shall assume full command and authority for the District in the absence of the District Commander, when so delegated by the Superintendent.

1.1804 - They shall supervise office procedures and activities, and shall be responsible for data collection, filing system, inventory, supply, and research and planning activities.

1.1805 - They shall supervise and evaluate duties and performance of those civilian personnel under their supervision, who are assigned to the District office.

1.1806 - They shall support the operations lieutenant in their effort to provide an efficient and effective enforcement program, providing reports, data, studies, and other available materials.

1.1807 - They shall act as liaison with Division Headquarters on all matters involving fleet and equipment maintenance or supply.

1.1808 - They shall be responsible for conducting the periodic physical fitness testing of all uniformed members assigned to their District.

1.1809 - They shall conduct inspections of equipment used by their personnel and recommend necessary repairs, replacements, alterations or changes as needed.

1.1810 - They shall be knowledgeable in the motor vehicle laws, to include motor carrier and other applicable laws as would be necessary to provide accurate information and support from the District office.

1.1811 - They shall supervise and evaluate the District computer program and needs, coordinating efforts with the District and Division staff to ensure the computer equipment and programs are functional.

1.1812 - They shall have a working knowledge of the computer equipment and programs in order to fairly supervise office staff responsible for data entry and retrieval. In the absence of office staff, they should be able to assist with required data entry and retrieval tasks.

1.1813 - They shall be responsible for the accuracy, timeliness and completeness of data entered at the District level. They should establish a review process to verify the accuracy of the District data entry information and procedures.

1.1814 - They shall be responsible for carrying out rebuilt vehicle VIN inspections assigned from the Division of Motor Vehicles.

1.19 - DISTRICT SERGEANT

1.1901 - A District sergeant shall be responsible to the Assistant District Commander - field operations in carrying out field operation and administrative duties, providing supervision for the personnel assigned to their squad or zone within the District.

They shall have the prerogative to delegate authority, counsel employees, and relieve from duty any person, supervised by them, who is obviously emotionally or physically not fit for duty.

They shall have the authority to assign and evaluate duties as necessary in the performance of their responsibilities, and shall have other authority and perform such other duties as

delegated or required by their superiors.

1.1902 - They shall plan enforcement activities for their District and shall maintain uniform enforcement effort based on Highway Patrol policy and procedures.

1.1903 - They shall ensure compliance with Division rules and regulations by all personnel under their supervision.

1.1904 - They shall document any disciplinary problems addressed by them and shall report such actions up the chain of command.

1.1905 - They shall familiarize themselves with the traffic flow, accident statistics, highways, and other situations or conditions which may affect or alter enforcement efforts of their squad or zone.

1.1906 - They shall prepare work schedules and duty rosters for their squad or zone and shall provide initial authorization of leave based on the guidelines set forth by the Division.

1.1907 - They shall supervise and evaluate all duties and performance of the uniformed members of their squad or zone.

1.1908 - They shall guide and assist uniformed members of their squad or zone in criminal investigations and in the preparation of court cases.

1.1909 - They shall participate in truck checks, traffic safety checkpoints, radar or aircraft operation, and other enforcement activities in order to assist the monitoring and evaluating the personnel of their squad or zone.

1.1910 - They will issue arrest and warning tickets, handling all violations observed when on patrol.

1.1911 - They shall report all verbal or written complaints they receive on any uniformed member to their superior officers and shall investigate or assist in the investigation of all complaints involving uniformed members of their squad or zone when so requested by their superior officers.

1.1912 - They shall assist the uniformed members supervised by them with any personal or job related problems, immediately passing any complaint or question that cannot be resolved by them up the chain of command.

1.1913 - They shall take command of any emergency situation where they are the ranking

officer, and shall immediately report such emergency to the District Commander or Assistant District Commander, proceeding as per their instructions until one or both arrive on the scene.

1.1914 - They shall conduct inspections of equipment used by their personnel and recommend necessary repairs, replacements, alterations or changes which will ensure the equipment's safe operation.

1.1915 - If they become aware of any influence that may affect the attitude, judgment, or performance of any personnel; they shall report this information to their superior officer, providing recommendations or solutions for resolving the problem.

1.1916 - They shall obtain and relay needed information promptly and see that all District uniformed members receive and understand orders and information intended for them.

1.1917 - They shall designate a subordinate with the concurrence and approval of the District Commander, who shall function as acting squad or zone leader when the sergeant is absent and unavailable for duty.

1.1918 - The Pierre Squad Sergeant shall be responsible for the testing and operating of the panic alarms and security camera system at the Capitol Complex.

1.1919 - The Pierre Squad Sergeant acts as the liaison between the state government offices in and the Highway Patrol.

1.1920 - The Pierre Squad Sergeant along with the Special Operations Supervisor coordinates with UJS for security details during Supreme Court sessions in the Capitol.

1.1921 - The Pierre Squad Sergeant along with the Special Operations Supervisor coordinates with BOA and other state agencies for security planning and preparation for events at the Capitol and other state buildings in Pierre.

1.1922 - The Pierre Squad Sergeant ensures the Person of Interest (PIO) database is maintained and up to date regarding security threats to personnel in state government.

1.1923 - In addition to ensuring adequate security of state government buildings the Pierre Squad Sergeant coordinates staff security for functions held at the Governor's residence for both public/private functions.

1.20 - TROOPER

1.2001 - A trooper shall be responsible for enforcing the laws and regulations of the State of South Dakota, in accordance with the policies and procedures established by the Division of Highway Patrol. They shall be primarily responsible for enforcing those laws and regulations governing motor vehicles, motor carrier, and traffic safety, applying their enforcement efforts toward accomplishing the goals and objectives of the Division. A trooper shall be primarily responsible to their immediate supervisor, the District sergeant of their assigned squad. A trooper's enforcement authority shall be as spelled out by the statutes of the State of South Dakota.

1.2002 - They shall be responsible for a satisfactory work product which focuses on the mission, goals and objectives of the Division as well as any other duties and assignments given by a supervisor.

1.2003 - They shall obey federal and state statutes, and shall comply with all regulations, policies, and procedures as are prescribed by the Superintendent.

1.2004 - They shall investigate vehicle traffic crashes in accordance with the law and departmental policy, submitting reports as required.

1.2005 - They shall inspect motor carriers, vehicle equipment, vehicle registrations, and driver licenses to effect compliance with state law or regulation, taking appropriate enforcement actions as warranted.

1.2006 - They shall inspect school and non-profit buses in accordance with state law and administrative rules.

1.2007 - They shall cooperate fully with the prosecuting attorney and/or the courts relative to all traffic and criminal enforcement, providing competent testimony and evidence in an impartial manner.

1.2008 - They shall be responsible for the enforcement of criminal law, arresting and aiding in the prosecution of violators. They shall convey information pertaining to the violation of criminal law, not related to their investigations, to proper agencies.

1.2009 - They shall be responsible for patrolling their assigned area. They shall be constantly alert for and take appropriate enforcement action on all violations of motor vehicle laws, and they shall provide aid and assistance to motorists.

1.2010 - They shall be responsible for maintaining the necessary knowledge to perform

their duties effectively and efficiently. They shall have a sound working knowledge of the South Dakota Codified Laws, and a thorough knowledge of motor vehicle laws, traffic laws, criminal laws, and Division policies and procedures.

1.2011 - They shall be responsible for, and shall maintain all equipment and materials issued to them in a good condition, making the most efficient and economical use of the equipment.

1.2012 - They shall be responsible for promoting traffic safety education in their area. They will present talks and conduct traffic safety activities for schools, clubs, civic and industrial groups, as time allows or when directed by their superiors.

1.2013 - They shall be responsible for maintaining good public relations. They shall cultivate a good relationship with public officials, citizens, and civic leaders in their assigned area.

1.2014 - They shall be responsible for cooperating with and assisting other law enforcement agencies.

1.2015 - They shall be responsible for making all required reports and records promptly and accurately. They shall complete and submit all reports and records in accordance with state law and/or Division policy, and they shall be legible, complete in detail, and submitted on the proper or required form within the time frame required by law or Division policy.

1.2016 - They shall perform such other duties as may be assigned by their superior officers.

1.21 - POLICE SERVICE DOG HANDLER

1.2101 - A Police Service Dog handler shall be responsible for the deployment, training and care of the Division issued Police Service Dog. A Police Service Dog handler is assigned to the Police Service Dog Unit and supervised by the Police Service Dog Commander and PSD Sergeant corresponding to the duty station of the PSD team. In addition to their primary responsibility as a Police Service Dog handler, they may be responsible to carry out the duties of a trooper.

1.2102 - Police Service Dog handlers shall successfully complete on-site basic Police Service Dog training as approved by the Division.

1.2103 - Handlers shall provide for the humane treatment of the Police Service Dog and shall not neglect or misuse the animal at any time.

1.2104 - Handlers shall maintain control of the Police Service Dog at all times.

1.2105 - A copy of all medical records and vaccinations shall be maintained in the RMS.

1.2106 - Handlers shall complete initial certification, and thereafter re-certify on an annual basis to demonstrate the Police Service Dog unit's proficiency. This testing will be in PSP certification criteria in accordance with International Congress of Police Service Dogs.

1.2107 - Handlers shall be responsible for the maintenance of all state owned specialized equipment assigned to the team including, but not limited to, training devices, kennels, animal care items, leashes, collars, and any other departmental property assigned to the handler.

1.2108 - Handlers shall properly complete and submit all activity reports, training logs, and any other reports essential as a member of the Police Service Dog unit and the South Dakota Highway Patrol.

1.2109 - A handler shall be responsible for the care, control, and maintenance of the canine when off-duty.

1.2110 - A canine handler shall assist other troopers and law enforcement agencies in their efforts to interdict or apprehend and prosecute drug violators.

1.2111 - A Police Service Dog handler shall perform other duties as may be assigned by superior officers.

1.22 - CRASH RECONSTRUCTION SPECIALIST

1.2201 - A Crash Reconstruction Specialist shall be responsible for crashes assigned to them. They are assigned to the District corresponding to the location of their duty station, and supervised by the respective Squad Sergeant for daily activities.

1.2202 - They shall be selected to fill the role of Crash Reconstruction Specialist after successfully completing an interview process having met the following minimum requirement:

1. Passed all four levels of Crash Investigation (all required)
 - a. Basic On-Scene (LET Academy)
 - b. Intermediate (SDHP Academy)
 - c. Advanced

d. Reconstruction

2. Training in Evidence Collection (all required)

- a. Forensic Mapping
- b. Mapping Software (ARAS370/MapScenes)
- c. Crash Data Retrieval

3. Additional Education

a. Must have taken a minimum of two of the following:

- i. Investigation of Motorcycle Crashes
- ii. Occupant Kinematics for the Traffic Crash Reconstructionist
- iii. Pedestrian/Bicycle Crash Investigation
- iv. Human Factors in Traffic Crash Reconstruction
- v. Applied Physics for the Traffic Crash Investigator
- vi. Energy Methods and Damage Analysis in Traffic Crash Reconstruction
- vii. Inspection/Investigation of Commercial Vehicle Crashes

4. Must be a trooper with a minimum of 3 years' experience. Your date of hire begins the 3 year time frame.

1.2203 - Once a trooper meets the minimum requirements, they can request to be considered for a Crash Reconstruction Specialist position by submitting a memo to the Crash Reconstruction Coordinator detailing their qualifications. Once the memo is submitted, a date will be set for the Trooper to be interviewed by a panel of experts. The panel will then decide if the Trooper qualifies based on his/her training, experience, qualification and interview performance and make a recommendation to the Superintendent.

1.2204 - After being selected as a Crash Reconstructionist Specialist the following expectations will apply:

- a. Available and/or willing to take crash calls statewide
- b. Continuing education
- c. Expected to attend crash related training when offered
- d. May be some out of state travel for conferences/training
- e. Within 3-yrs of obtaining the specialist pay grade the trooper must have taken and passed the ACTAR test.

1.2205 - They shall maintain a copy of their curriculum vitae/resume which will be available for court purposes.

1.2206 - The Crash Reconstruction Specialist shall assist other troopers and law

enforcement agencies in their efforts of crash investigation.

1.2207 - They shall perform such other duties as assigned.

1.23 - PORT OF ENTRY MANAGER

1.2301 - A Port of Entry manager shall be responsible to the District sergeant(s) assigned to the District designated for Motor Carrier Services and shall be responsible for the management of a Port of Entry facility.

They shall have the authority to assign and schedule duties as necessary for the efficient operation of a Port of Entry, and shall assist the District sergeant in evaluating duties and performance of personnel assigned to their Port of Entry. They shall have the prerogative to delegate authority, and may temporarily relieve from duty any person supervised by them, who is obviously emotionally or physically not fit for duty.

A Port of Entry manager shall be selected from among the rank of Motor Carrier inspectors.

1.2302 - They shall be responsible for ensuring adequate and efficient enforcement effort from each inspector of the Port of Entry.

1.2303 - They shall assist the District sergeant in planning enforcement activities for the port and shall maintain uniform enforcement effort based on patrol policy and procedures.

1.2304 - They shall ensure compliance with Division rules and regulations pertaining to duty, conduct, and appearance of all personnel under their supervision, and shall thoroughly document any disciplinary problems addressed by them, reporting such actions up the chain of command.

1.2305 - They shall familiarize themselves with the area, traffic flow, highways, and other situations or conditions, which may affect or alter the daily operation of the port.

1.2306 - They shall prepare the work schedules and duty rosters for the port and shall provide initial authorization of leave, based on the guidelines set forth by the Assistant Superintendent. They shall supervise all duties and performance of the inspectors of their Port of Entry.

1.2307 - They shall report all verbal or written complaints they receive on any inspector to their superior officers and shall assist in the investigation of all complaints involving inspectors of the Port of Entry.

1.2308 - They shall immediately report any emergency at the port to the District sergeant, proceeding as per their instructions until they arrive on the scene.

1.2309 - They shall complete and submit all reports and records required of their position in accordance with state law and/or Division policy, and they shall be legible, complete in detail, and submitted on the proper or required form within the time frame required by law or Division policy.

1.2310 - They shall be responsible for the health and safety of all personnel under their supervision, and shall make all assignments of personnel as reasonable as possible. They shall correct any unsafe or improper use of equipment.

1.2311 - They shall be responsible for maintaining proper morale and attitude among the inspectors of the port, and shall make all assignments in an impartial and equitable manner.

1.2312 - They shall address personnel problems, arranging personal conferences when requested, or as necessary, and they shall forward personnel issues to their superior officers.

1.2313 - They shall be responsible for assisting in the proper training of the inspectors of the Port of Entry.

1.2314 - They shall obtain and relay needed information promptly and see that all inspectors receive and understand orders and information intended for them.

1.2315 - They shall prepare and make deposits of monies collected.

1.2316 - They shall review and notarize arrest tickets issued by the inspectors of the port, delivering them to the appropriate clerk of courts.

1.2317 - They shall perform such other duties as may be assigned by the District Commander, Assistant District Commander, or other District sergeant.

1.24 - MOTOR CARRIER MASTER INSPECTOR

1.2401 - A Master Inspector shall at a minimum, have the same duties and responsibilities as a Motor Carrier Inspector.

1.2402 - To become a Master Inspector, a Motor Carrier Inspector must:

- a. Have a minimum of 5 years' experience as a Motor Carrier Inspector.
- b. Hold certifications in:
 1. CVSA Standard Level 1 Inspection
 2. General Hazardous Materials Inspections
 3. Cargo Tank Inspection and/or Passenger Vehicle Inspection.
- c. Successfully pass a written test, a practical inspection test, and oral interview.

1.2403 - A Master Inspector shall complete a minimum of 40 hours of continuing education every 2 years.

1.2404 - A Master Inspector shall recertify as a Master Inspector by performing the written test and practical inspection every 3 years.

1.2405 - A Master Inspector who fails to meet acceptable evaluation standards may be returned to the position of motor carrier inspector if they fail to successfully complete a work improvement plan.

1.2406 - A Master Inspector holds no position of rank or authority above a Motor Carrier Inspector.

1.25 - MOTOR CARRIER INSPECTOR

1.2501 - A motor carrier inspector shall be responsible for enforcing the laws and regulations of the State of South Dakota governing motor carriers, applying their enforcement efforts toward accomplishing the goals, objectives, and missions of the Division. A motor carrier inspector's first line supervisor shall be the Port of Entry manager or District sergeant.

1.2502 - They shall be responsible for accomplishing an adequate and acceptable effort in the performance of their duties and assignments.

1.2503 - They shall obey federal and state statutes, and shall comply with all regulations, policies, and procedures as are prescribed by the Superintendent.

1.2504 - They shall promptly comply with all verbal and written orders issued by their supervisors, or by any other superior officer of the Division.

1.2505 - They shall inspect motor carriers to effect compliance with state law or regulations, taking appropriate enforcement actions as warranted.

1.2506 - They shall issue a summons to law violators in accordance with patrol policy, signing and filing complaints without delay.

1.2507 - They shall have a thorough knowledge of motor carrier laws, and Division policies and procedures.

1.2508 - They shall be responsible for, and shall maintain all equipment and materials issued to them in good condition, making the most efficient and economical use of the equipment.

1.2509 - They shall be responsible for maintaining good public relations. They shall address violators in a manner that will merit their respect and confidence.

1.2510 - They shall render courteous assistance to all motorists, and provide reliable information to persons seeking aid or assistance.

1.2511 - They shall issue permits and Highway Use Receipts, computing and collecting the proper fees.

1.2512 - They shall be responsible for making all required reports and records promptly and accurately. They shall complete and submit all reports and records in accordance with state law and/or District and Division policy, and they shall be legible, complete in detail, and submitted on the proper or required form within the time frame required by law or policy.

1.2513 - They shall perform such other duties as may be assigned by their superior officers.

1.26 - MOTOR CARRIER TROOPER (MCT)

1.2601 - The MCT shall be responsible for enforcing the laws and regulations of the State of South Dakota, in accordance with the policies and procedures established by the Division. They shall be primarily responsible for enforcing those laws and regulations governing motor carriers, applying their enforcement efforts towards accomplishing the goals and objectives of the District and Division. A MCT shall be primarily responsible to their immediate supervisor, the District sergeant of their assigned zone.

1.2602 - They shall be responsible for accomplishing an adequate and acceptable performance of their duties and assignments.

1.2603 - They shall perform such other duties as assigned by their superior officers.

1.2604 - They shall be CVSA Level 1 inspection certified, and maintain such certification by

performing the required inspections of carriers.

1.2605 - They shall conduct fuel inspections of diesel powered vehicles to determine compliance with the statutes pertaining to the use of dyed and non-dyed fuels.

1.2606 - They shall be responsible for successful completion of the required firearms qualifications, use of force training, and physical fitness testing as required by Division policies listed in the Highway Patrol Policy Manual Sections 8, 9 and 13.

1.2607- A MCT shall assist other troopers and law enforcement agencies in their efforts to apprehend and prosecute motor carrier violators.

1.2608 - A MCT shall be selected to fill the role as a MCT Specialist after successfully completing an interview process having met the following minimum requirement:

- a. Have a minimum of 5 years' experience as a Trooper.
- b. Hold certifications in:
 - 1. CVSA Standard Level 1 Inspection
 - 2. General Hazardous Materials Inspections
 - 3. Cargo Tank Inspection and/or Passenger Vehicle Inspection.
- c. Successfully pass a written test and a practical inspection test

1.2609 - A MCT Specialist shall complete a minimum of 40 hours of continuing education every 2 years.

1.2610 - A MCT Specialist shall recertify as a MCT Trooper by performing the written test and practical inspection every 3 years.

1.2611 - A MCT Specialist who fails to meet acceptable evaluation standards may be returned to the position of MCT if they fail to successfully complete a work improvement plan.

1.2612 - A MCT Specialist holds no position of rank or authority above a MCT or Trooper.

1.27 - NEW ENTRANT SAFETY AUDITOR

1.2701- The New Entrant Safety Auditor will be responsible for conducting New Entrant Safety Audits under the Federal Motor Carrier Safety Administration New Entrant program. They shall be responsible for scheduling and performing all audits assigned to them by the Assistant District Commander - Field Operations or the District Commander. An auditor shall

be primarily responsible to their immediate supervisor, the Assistant District Commander - Field Operations.

1.2702 - The auditor will be responsible for a satisfactory work product which focuses on the mission, goals and objective of the Division as well as any other duties and assignments given by a supervisor.

1.2703 - They shall obey federal and state statutes, and shall comply with all regulation, policies, and procedures as are prescribed by the Superintendent.

1.2704 - A New Entrant Auditor will have at a minimum, the same enforcement authority as a Motor Carrier Inspector as prescribed by SDCL 32-2-8.1

1.2705 - They shall promptly comply with all verbal and written orders issued by their supervisors, or by any other superior officer of the Division.

1.2706 - They shall inspect motor carriers to effect compliance with state law or regulations, taking appropriate enforcement actions as warranted.

1.2707- They shall perform carrier and truck inspections to maintain certification in CVSA Standard Level 1 inspections, Hazardous Materials vehicle inspection, and New Entrant Safety Audit certifications.

1.2708 - They shall issue a summons to law violators in accordance with patrol policy, signing and filing complaints without delay.

1.2709 - They shall have a thorough knowledge of motor carrier laws, and Division policies and procedures.

1.2710 - They shall be responsible for, and shall maintain all equipment and materials issued to them in good condition, making the most efficient and economical use of the equipment.

1.2711- They shall be responsible for maintaining good public relations. They shall address violators in a manner that will merit their respect and confidence.

1.2712 - They shall be responsible for making all required reports and records promptly and accurately. They shall complete and submit all reports and records in accordance with state law, FMCSA policy, and/or District and Division policy, and they shall be legible, complete in detail, and submitted on the proper or required form within the time frame required by law or policy.

1.2713 - They shall be responsible for assisting the Assistant District Commander - Field Operations and District Commander with preparation and submission of all reports required for the New Entrant Grant to include preparation of the New Entrant Grant for submission to the Federal Motor Carrier Safety Administration.

1.2714 - They shall be responsible for the maintenance and security of an office, a record keeping system, and all issued equipment.

1.2715 - They shall perform such other duties as may be assigned by their superior officers.

1.28 - RECORDS MANAGEMENT SYSTEM COORDINATOR

1.2801 - The Records Management System Coordinator shall be responsible to the Division Management Services Officer in the responsibility of managing all aspects of electronic records of the Division.

1.2802 - They will act as liaison between Division and the RMS vendor(s). They will coordinate and conduct testing on efficiency and accuracy record keeping as well as CAD and Mobile Unit's function abilities.

1.2803 - They shall establish and implement a review process to ensure accuracy and consistency of data entry and collection of records. They will prepare reports and make recommendations to improve operational record keeping efficiency when possible.

1.2804 - They shall advise on efficiency improvements for office procedures as well as ensuring proper electronic data collection and storage is being maintained.

1.2805 - They shall coordinate with the Division Management Services Officer to ensure the necessary computer equipment is functional and compatible with the RMS.

1.2806 - They will remain current on technologies, as well as have a working knowledge of such, utilized by the Division in order to conduct training on the RMS. They shall provide recommendations to the Division Management Services Officer of new or replacement products to keep the system functioning and current.

1.2807 - They will work with the Bureau of Information and Telecommunications on technology related issues that have a direct impact on the software that affects the RMS.

1.2808 - They shall conduct an ongoing review of the User's Manual. This will include ensuring that changes to the User's Manual are relayed throughout the Division.

1.2809 - They will assist with all other duties as assigned.

CHAPTER 2 – ADMINISTRATION

PURPOSE

Establish administrative processes to provide for the uniform and efficient direction of managing field operations at the Division and District levels.

POLICY

It shall be the policy of the South Dakota Highway Patrol to create an administrative foundation that will enable the Division to provide efficient and effective police services to the motoring public as well as the citizens of the State of South Dakota. This will begin through clearly stated management processes for Division and District offices as well as accountability of equipment, evidence and property. The Highway Patrol will affirm its professionalism through training at established statewide, District and squad meetings.

2.1 - PATROL OPERATIONS AND PROCEDURES MANUAL

2.101 - Each uniformed member shall have access to the Operations Manual and shall be able to retrieve it at all times for reference. The manual is the property of the Highway Patrol.

2.102 - Each uniformed member shall familiarize themselves with all Highway Patrol policies, rules, regulations and procedures. Ignorance of the same will not be acceptable as a defense to any charges of commission or omission.

2.103 - All information contained in the manual is confidential. It is for the exclusive use of uniformed members of the Highway Patrol. The divulgence of any information contained in the Operations Manual to an unauthorized person is prohibited unless granted by the Superintendent or Assistant Superintendent.

2.2 - GENERAL DUTIES AND REQUIREMENTS FOR UNIFORMED MEMBERS

2.201 - Every uniformed member of the South Dakota Highway Patrol vested with the authorities under SDCL 32-2, shall enforce the laws of the State of South Dakota, local and federal statutes as the law may prescribe.

2.202 - Enforcement shall be in a just, impartial and reasonable manner with no regard to race, creed, national origin or religion and in accordance with the policies of the Division.

2.203 - Upon receiving information of any crime or incident, a uniformed member shall immediately take appropriate action to ensure that such crime or incident is properly handled.

2.204 - Uniformed members shall remain ever mindful of the rights of every citizen granted under our Constitution and laws. Due regard shall be given to the powers, duties and responsibilities of other police agencies and public officials and a cooperative spirit shall be maintained.

2.205 - All uniformed members, regardless of rank or position, are subject to call for duty at any hour or for any emergency.

2.206 - On-call status may be designated by a supervisor for calls that occur during nonscheduled hours. Uniformed members assigned to on-call status will advise dispatch of a contact number where they can be reached during on-call periods. A uniformed member who has on-call responsibilities is expected to report to duty within a timeframe set by a supervisor.

2.207 - Uniformed members shall report to duty at the time and place required by orders or assignment, and shall be properly equipped, physically and mentally fit to perform their assigned duties.

2.208 - When a uniformed member is unable to report for scheduled duty or emergency calls, the uniformed member shall immediately notify their immediate supervisor or the District on-call supervisor. It is the uniformed member's responsibility to make this notification.

2.209 - Uniformed members shall work in such territory, area, zone or other geographic area as their immediate supervisor, District Commander or Superintendent may require.

2.210 - Prior to crossing a state border while on-duty with a state owned vehicle, uniformed members will first receive permission from a supervisor. However, this permission may not be required when involved in a pursuit for the purpose of apprehending a known or suspected felon. In the absence of an immediate supervisor, the District on-call supervisor shall be utilized.

2.3 – DUTY STATION

2.301 – Uniformed members shall live within the following parameters of their current duty assignment:

District Commanders and Assistant District Commanders may live anywhere within their assigned District, with approval of the Superintendent or Assistant Superintendent. Normal office hours will be maintained at the District Office.

District Sergeants may live within their assigned squad or zone area. In no event shall the residence be established more than 30 miles from their assigned squad or zone area.

Uniformed members shall live within their assigned squad or zone area. If they wish to live outside their assigned duty station but in their squad or zone area, they must petition the district commander for approval. If residing outside of the squad or zone area, approval shall be received from the Superintendent.

2.302 - A request for residence modification shall be submitted through the chain of command to the District Commander. The District Commander shall review and approve each request on a case by case basis. The District Commander will consider what is best for the agency and the uniformed member when authorizing a residence modification. Certain communities throughout the state have been identified as essential duty stations. If a uniformed member is assigned to one of the following duty stations, residence must be established in or near that community. In no event shall the residence be established more than 30 miles from the essential duty station.

Lemmon / Bison
Kadoka
Mobridge
Chamberlain
Yankton
Vermillion
Brookings
Mitchell

2.303 - The requested location of residence must not create a problem in the uniformed member's ability to report to duty or respond to emergency calls. When considering a

residence location, the uniformed member shall notify district of their desired location.

2.304 - Each uniformed member shall have a telephone service at their residence at no expense to the state. Telephone service may be established through either a wired hard line or cellular communication. Uniformed members shall provide their telephone number to Division as soon as practical. Additionally, the Division shall be made aware of any changes in the uniformed member's telephone number.

2.4 - PERSONNEL RECORDS

2.401 - Each uniformed member of the Division shall have a personnel file that will include:

- Original or copy of application for employment
- Copies of evaluations dating back three years
- Original or copies of all commendations given to the uniformed member since employment with the Division
- Original or copies of all written reprimands, disciplinary actions and actions involving disciplinary suspensions
- Original or copies of all letters of transfer, promotion, or reclassification

2.402 - Personnel files shall be maintained and kept at the Highway Patrol Division Headquarters. The files will be secured in a locked cabinet.

2.403 - A position or work history will be maintained with the Bureau of Human Resources.

2.404 - A working supervisory file will be maintained at the District office for each employee assigned to the District. This file shall contain a copy of the yearly evaluation for the previous three years. It may contain information or memorandums pertinent to the current evaluation year.

2.405 - Whenever any uniformed member of the Division is transferred to another District, the District Commander shall transfer the working supervisory file to the District receiving the transferred uniformed member.

2.406 - Whenever a uniformed member resigns or is separated from the Highway Patrol, their working supervisory file shall be maintained at the District for a period of one year after the resignation or separation.

2.407 - All personnel files are confidential and under no circumstances will the contents thereof be disclosed to any unauthorized person. Access to personnel files shall be limited

to the Superintendent, Assistant Superintendent and respective District Commander.

2.408 - A uniformed member is authorized to view their own personnel files in the presence of an authorized supervisor. Reviews of position or work history maintained by the Bureau of Human Resources will be done in confidence with the Commissioner of Human Resources.

2.409 - The Superintendent and an Assistant Superintendent, with the knowledge of the individual uniformed member, are the only people who can authorize any change in the entries of an individual's file. Written documentation of any changes shall be made and shall become a part of the file. Uniformed members may add to their personnel file any comments concerning detrimental material pertaining to that uniformed member.

2.410 - A uniformed member has the right to obtain a copy of pertinent information that relates directly to them. The uniformed member will be responsible for the cost of the copies.

2.411 - Files from personnel who retire, resign or otherwise terminate employment with the Division will be maintained in accordance with Bureau of Human Resources Rules.

2.5 - PERSONNEL REASSIGNMENT

2.501 - All uniformed members of the Highway Patrol are subject to reassignment at any time, either on a temporary or permanent basis, to any location in the state of South Dakota.

2.502 - Temporary reassignments can be made by the District Commander with the approval of the Superintendent or an Assistant Superintendent.

2.503 - Permanent reassignment shall be the sole responsibility of the Superintendent.

2.504 - A District Commander wanting to reassign a uniformed member within the District must make a written request to the Superintendent setting forth the facts and reasons for the reassignment.

2.505 - A uniformed member wanting a reassignment shall forward the transfer request to the District Commander. These will be reviewed during the months of December and June or as needed. The District Commander or designee will enter the request into the SDHP Transfer Request Log after it is received from the immediate supervisor. The District

Commander will enter their recommendation then forward this request to the Superintendent.

All request for transfers that are denied must be resubmitted by the Trooper for future consideration.

2.506 - Reassignments will be considered and made first in the best interests of the Division and second on the interests of the uniformed member.

2.507 - Consideration may also involve incident(s) that have created an atmosphere that makes it difficult or impossible for the uniformed member to function efficiently in that community due to public sentiment.

2.508 - Consideration may also involve relationships with other law enforcement agencies, the court or other professional relationships, such that communication, cooperation, credibility or rapport has adversely affected the uniformed member's ability to perform necessary duties.

2.509 - Consideration may also involve intradepartmental relationships which are such that the uniformed member cannot function in good rapport with supervisors, subordinates or other uniformed members of the Division of similar rank.

2.510 - Reassignment may also be considered when relationship with the general public is such that the uniformed member cannot fulfill the duties and responsibilities of their position.

2.511 - Consideration may also involve personal conduct that adversely affects the uniformed member's or the Division's ability to render law enforcement services in the community.

2.6 - PERSONNEL REINSTATEMENT

2.601 - All applications for reinstatement shall be approved by the Superintendent.

2.602 - Former law enforcement certified members of the Division who are eligible for consideration for reinstatement include; those who have been drafted, recalled or enlisted to military service, those who have been granted a medical related leave of absence without pay and those who have resigned and are within two years of their separation date.

2.603 - Former law enforcement certified members of the Division who are ineligible for reinstatement include; those who have been discharged for cause, those whose resignation

and separation are in excess of two years, and those who fail to meet the standards of employment established by the Bureau of Human Resources and the Civil Service Rules.

2.604 - When a reinstatement of a former uniformed member is approved, the Superintendent shall have full discretion to assign duties for the reinstated uniformed member.

2.605 - Division Headquarters shall execute all of the necessary registration and forms to reinstate the uniformed member in regards to benefits as an employee of the state of South Dakota.

2.606 - Division Headquarters shall provide for the proper equipping of the uniformed member.

2.607 - In the instance the reinstated uniformed member is assigned to Division Headquarters, it shall be their responsibility to update the uniformed member on changes in laws, policies, procedures or other pertinent information that relates to the uniformed member's assignment. In the instance the reinstated uniformed member is assigned to a District, the District Commander shall be responsible for causing this task to be completed.

2.7 - PROMOTIONS

2.701 - The South Dakota Highway Patrol shall establish and maintain a comprehensive promotional process for its uniformed members as prescribed by the Bureau of Human Resources.

2.702 - The promotional process shall be job related and all candidates shall be provided an equal opportunity to demonstrate their fitness for the position through non-discriminatory procedures. Promotional selections shall be made according to ability and merit.

2.703 - The Superintendent shall have the responsibility to oversee the implementation of the promotional process.

2.704 - All facets of the promotional process shall be designed to be job related and to have no adverse impact on employees.

2.705 - The promotional process will be initiated only when the Superintendent determines the necessity for the promotion.

2.706 - A current employee with five years of service as a trooper may be a candidate for

promotion to the rank of sergeant.

2.707 - A sergeant with one year of service as a sergeant may be a candidate for promotion to the rank of lieutenant.

2.708 - A lieutenant with one year of service as a lieutenant may be a candidate for promotion to the rank of captain.

2.709 - A motor carrier inspector who has completed the probationary period of employment may be a candidate for promotion to the position of port of entry manager.

2.710 - The Bureau of Human Resources policies and rules will establish the posting of impending promotions. It shall be the responsibility of the candidate for the promotion to learn of the posting and submit an application to the Bureau of Human Resources.

2.711 - Candidates for a promotion shall be notified by Division of the date, time, and location of all scheduled elements of the testing process.

2.712 - Candidates for a sergeant promotion, in accordance with Bureau of Human Resources rules and regulations, may be required to participate in an assessment center to determine their knowledge, skills and abilities. Those candidates declared eligible on a Requisition List from the Bureau of Human Resources may be offered an oral interview.

2.713 - Candidates for a lieutenant or captain promotion, in accordance with Bureau of Human Resources rules and regulations, will be declared eligible on a Requisition List from the Bureau of Human Resources. Those candidates on the Requisition List will be offered an oral interview.

2.8 - GRIEVANCE PROCEDURE

2.801 - A grievance is a complaint by an employee concerning the misinterpretation, misapplication or violation of any existing agreement, contract, policy or personnel rule, excluding overtime pay issues, as it applies to conditions of employment or discrimination of an employee or applicant based on race, color, sex, national origin, religion, age, disability or political affiliation. Employees are encouraged to attempt to resolve all concerns with their immediate supervisor prior to filing a formal grievance.

2.802 - Individual employees or groups of employees may present grievances in person, by legal counsel, or through a formal representative pursuant to Administrative Rule. Employees who voluntarily terminate their employment will have their grievances

immediately withdrawn and will not benefit by any later settlement of an individual or group grievance.

2.803 - The grievance must be in writing and include the following information: the date the grievance is initiated; the nature of the grievance; dates of the incidents and/or actions on which the grievance is based; specific rules, regulations, policies or practices alleged to have been violated, misapplied or unfairly applied; and relief sought.

2.804 - Failure by the employee or representative to comply with time limitations of the grievance procedure shall constitute a withdrawal of the grievance. Failure of the Department to comply with time limitations allows the grievant to initiate the next successive step of the procedure. Written requests for time extensions may be made by either party if made within the proper time frames.

2.805 - Procedure for Career Service Employees

A. Filing of Grievance with the Division Director

The employee or a formal representative shall submit the written grievance to the Division Director within fourteen (14) calendar days of the incident or action prompting the grievance. The employee must also submit a copy of the grievance to the Department of Public Safety Human Resource Manager. The Division Director may offer the employee the opportunity to meet in an attempt to resolve the grievance. The Division Director shall respond, in writing, to the grievance within fourteen (14) calendar days of receipt of the grievance.

B. Appeal to the Secretary of Public Safety

If the employee is not satisfied with the decision of the Division Director, they shall submit the grievance to the Department Secretary within fourteen (14) calendar days of receipt of the decision. The employee must also submit a copy of the grievance to the Department of Public Safety Human Resource Manager. The Department Secretary may conduct whatever investigation of the matter deemed appropriate. The Department Secretary shall render a decision and respond within fourteen (14) calendar days of receipt of the appeal.

C. Appeal to the Commissioner of Human Resources

If the employee is not satisfied with the decision of the Department Secretary, they shall submit the grievance to the Commissioner of Human Resources within fourteen (14) calendar days of receipt of the decision. The employee must also submit a copy of the grievance to the Department of Public Safety Human Resource Manager. The

Commissioner shall reply, in writing, to the employee within 30 days after the receipt of the written complaint.

D. Appeal to the Career Service Commission

If the employee is not satisfied with the decision of the Commissioner, they shall submit the grievance to the Career Service Commission within fourteen (14) days of receipt of the decision. Appeals are to be addressed to the Career Service Commission and sent to the Bureau of Human Resources with a copy also sent to the Department of Public Safety Human Resource Manager.

E. Appeal to Court

If the employee is not satisfied with the decision of the Career Service Commission, the employee may appeal to the circuit court in accordance with SDCL 1-27.

2.806 - Procedure for Law Enforcement Civil Service Employees

A. Filing of Grievance with the Highway Patrol Superintendent

The employee or a formal representative shall submit the written grievance to the Superintendent within fourteen (14) calendar days of the incident or action prompting the grievance. The employee must also submit a copy of the grievance to the Department of Public Safety Human Resource Manager. The Superintendent may offer the employee the opportunity to meet in an attempt to resolve the grievance. The Superintendent shall respond, in writing, to the grievance within fourteen (14) calendar days of receipt of the grievance.

B. Appeal to the Secretary of Public Safety

If the employee is not satisfied with the decision of the Superintendent, they shall submit the grievance to the Department Secretary within fourteen (14) calendar days of receipt of the decision. The employee must also submit a copy of the grievance to the Department of Public Safety Human Resource Manager. The Department Secretary may conduct whatever investigation of the matter deemed appropriate. The Department Secretary shall render a decision and respond within fourteen (14) calendar days of receipt of the appeal.

C. Appeal to the Commissioner of Human Resources

If the employee is not satisfied with the decision of the Department Secretary, they shall submit the grievance to the Commissioner of Human Resources within fourteen (14)

calendar days of receipt of the decision. The employee must also submit a copy of the grievance to the Department of Public Safety Human Resource Manager. The Commissioner shall reply, in writing, to the employee within 30 days after the receipt of the written complaint.

D. Appeal to the Law Enforcement Civil Service Commission

If the employee is not satisfied with the decision of the Commissioner, they shall submit the grievance to the Law Enforcement Civil Service Commission within fourteen (14) days of receipt of the decision. Appeals are to be addressed to the Law Enforcement Civil Service Commission and sent to the Bureau of Personnel with a copy also sent to the Department of Public Safety Human Resource Manager.

E. Appeal to Court

If the employee is not satisfied with the decision of the Law Enforcement Civil Service Commission, the employee may appeal to the circuit court in accordance with SDCL 1-27.

2.9 - DISTRICT OFFICE MANAGEMENT AND PROCEDURES

2.901 - When producing photo or video disk they will be marked with the defendant's name, case report number and offense. The District Commander will authorize the sale of photo and video disk. It will be the District Commander's responsibility to determine if the request is by a principle in the case and has legal access to the recording.

2.902 - Photos and video reproduction will be furnished, upon request, to state's attorneys or the Attorney General's Office at no cost. For requests outside of the discovery process of a criminal trial, the cost of reproduction will be assessed.

2.903 - Photo disk may be supplied for processing by the Division of Criminal Investigation Crime Lab when requested by the Attorney General.

2.904 - Sale of media disks will be based on the following price list.

Each item - \$30.00 per item

2.905 - Sale of accident reports at the District office.

Each report - \$4.00

2.906 - Sale of vehicle examination reports (VER) at the District office.

Each report - \$2.00

2.907 - A billing statement will accompany all sales of pictures, audiotapes, videotapes, computer disks, or any report.

2.908 - Billing statements will be numbered in a consecutive manner. The first number of the billing statement will indicate the respective District, i.e. District 1 will begin with the number 1 and so on. A dash will follow the District number followed by a four digit sequence beginning with the number 0001. A dash will follow this number and a two digit number signifying the last two numbers of the year of the billing. A billing statement number will appear as 1-0001-07.

2.909 - Billing statements shall include the District office address.

2.910 - District offices shall keep a copy of all billing statements on file.

2.911 - Receipts will be issued on all sales. The receipt will reflect the remitter, the amount, the date and the billing statement number. A copy of the receipt shall be kept on file with the billing statement.

2.912 - All monies received from the sale of photo disk or video disk or any report will be deposited in established accounts for the Division. A miscellaneous collections report will be completed and the original copy will be transmitted with the deposit slip to Division Headquarters.

2.913 - Each District office will keep a copy of all miscellaneous collection reports on file until such time as notified by Division Headquarters that an audit has been completed. The records will be purged at that time.

2.914 - Guide to Highway Use Receipts

The District office shall maintain a supply of unused highway use receipt books to be distributed as needed for uniformed members or District office use. Replacement stock will be obtained from Division Headquarters.

Sets of receipts are assembled in triplicate and will be distributed as follows:

White copy will be sent to District 4 Headquarters along with a cash transmittal report and bank deposit slip.

Pink copy given to purchaser as their permit and receipt.

Gold copy to be retained in book and turned in to District headquarters when the book has been completely used.

Void copies must be retained, and the white and pink copies forwarded to District 4 Headquarters, where they are accounted for in the same manner as issued, valid receipts.

A letter of acknowledgement which will accompany each order of highway use receipt books. Upon receipt of the books, the District office will sign this letter and return it to District 4 Headquarters.

Personnel who permanently leave the District shall turn their highway use receipt book in to the District. The Assistant District Commander will ensure that all monies collected for permits sold have been deposited before accepting the permit book. Highway use receipt books containing unused permits will be returned to District 4 for disposal.

After all books in a lot have been cleared by District 4 Headquarters, a letter of acknowledgement will be returned to the District office and will serve as a release of responsibility for the books listed thereon.

2.915 - Guide for Temporary Commercial License Permits

The District office shall maintain a supply of temporary commercial license permit books to be distributed as needed for uniformed member or District office use. Replacement stock will be secured from the Department of Revenue.

Sets of permits are assembled in triplicate and will be distributed as follows:

Completed original copy will be given to the purchaser.

Completed second copy to be retained in the book with completely used books being returned to the District office.

Completed third copy (hard copy) to be forwarded with the corresponding cash transmittal report and bank deposit slip to Division Headquarters.

The Department of Revenue and Regulation will issue a letter of acknowledgement, which will accompany each shipment of new unused books. Upon receipt of the books, the District office will sign the letter and return it.

A separate letter of acknowledgement will be obtained for each book of temporary commercial license permits reissued from the District. The original will be sent to Division Headquarters, and a copy will be retained on file at the District office.

After all books in a lot have been cleared by Division Headquarters, the letter of acknowledgement will be returned to the District office and will serve as a release of responsibility for the books listed thereon.

2.916 - Harvest Permits

Harvest Permits are sold by use of the internet based permitting system. Permits sold are printed from an office or vehicle printer. The printed permit is the buyers receipt and the buyer should be instructed to display the permit in the lower right corner of the vehicle windshield. Harvest Permits for grain hauling trailers shall be kept in the power unit for inspection.

Any Highway Use Receipt, Temporary Commercial License, or Harvest Permit issued by use of the internet based permitting system, shall be transmitted and accounted for.

If cash or check is collected as payment for an internet issued permit, a cash transmittal slip and bank deposit slip with the permit number shall be forwarded to the District 4 office.

If a credit card is used for payment for an internet issued permit, no information needs forwarded to the District 4 office.

2.917 - Guide for Storage and Disposal of Used, Obsolete, or Not Issued Permit Books

Bureau of Finance requires that the third copy of the Highway Use receipt and the second copy of the temporary commercial license be retained as a temporary informational record for a minimum period of two years.

The District office shall be responsible for the storing of used receipt books during the required retention time. At the end of that time, the receipt books may be destroyed. District offices shall store the receipt books in such a manner as to prevent disposal before the minimum period.

Destruction of used receipt books will be the responsibility of the District Commander or designee. The destruction will be complete so as not to allow the use of the receipt in any manner.

Obsolete unused receipt books, or partial books or unused receipts of uniformed members no longer employed by the Division shall be turned in to the District office. The District office shall forward all copies of the unused receipts to Division Headquarters in order for them to have receipts audited and to clear the District office of responsibility. The District officer shall keep a record of all unused receipts forwarded for cancellation until they have been cleared by Division Headquarters.

2.918 - Vending Machines and Coffee Funds

A maximum of one beverage and one snack vending machine may be authorized at each facility of the Division. Vending machines will not be located in the business or work area of the Division facility. The District Commander shall be responsible for proper location of all vending machines in their District. Tobacco vending machines are not authorized.

Monies collected from coffee, snack, or vending machines located within Division facilities will be deposited in a District benevolent fund. The account may be monitored and maintained by the Assistant District Commander - administrative operations. Records and receipts or other disbursements will be maintained.

Expenditures from this account may be made with the approval of the District Commander. Purchases may be for supplies or materials necessary to maintain the fund. Fund assets may also be utilized for the purchase of memorials, cards or similar items in recognition of a Division uniformed member or their immediate family during illnesses, hospitalization, or deaths. Additionally, assets from the account may be used for personal recognitions such as promotion, transfer, retirement, or other significant events.

2.919 - Issuance of Arrest Tickets

An audit system shall be required of all arrest tickets from their issuance from the Division to the District, from the District to the squad or zone, and finally the squad or zone to the uniformed member. The District Commander will be held accountable for all tickets issued to their District. District sergeants will be held accountable for all the arrest tickets issued to their squad or zone. Each uniformed member will be held accountable for arrest tickets issued to them.

Arrest tickets assigned to uniformed members by their District office may only be used by the uniformed member to whom they have been assigned. Whenever a uniformed member is permanently transferred to another District, they will turn in all unused arrest tickets to the issuing District.

Uniformed members shall not use their name on arrest tickets assigned to another uniformed member of the department.

Any arrest ticket which cannot be used shall have a line drawn through the face of the ticket and in large letters the word "VOIDED" written across the front and the administration number of the uniformed member taking this action. All copies of a voided arrest ticket will be forwarded to the respective District office. The District office shall forward these voided arrest tickets to Division Headquarters along with the other used valid arrest tickets.

A Ticket Issue Form (HP230) will be used to document each transaction involving the issuance of arrest tickets. Division Headquarters will complete this form each time a supply of tickets is sent from Headquarters to a District. District offices will utilize this form each time a supply of arrest tickets issued to a squad or zone. At the squad or zone, this form will be utilized each time a supply of arrest tickets is issued to a uniformed member.

The Ticket Issue Form (HP 230) is a three-part form and distribution of copies of this form will be as follows:

Original (white) to Division Headquarters

Yellow (second) to District headquarters

Pink (third) to employee receiving tickets

A District shall reissue those arrest tickets which have been returned to the District from uniformed members who permanently leave the District. A Ticket Issue Form will be completed to show this transfer of arrest tickets. Upon reissuing arrest tickets previously issued, a new Ticket Issue Form will be completed. Division Headquarters shall be responsible for documenting the reassignment of the arrest tickets.

2.920 - Disposition of Monies Collected

Public monies collected by uniformed members shall be deposited at least every two weeks. Established state bank accounts shall be used. Copies of receipts, transmittal reports, deposit slips, certified checks, court witness fees and any other collection made by an officer while on duty shall be turned in to the officer's District headquarters before it is forward to Division Headquarters.

2.10 - DISTRICT MEETING

2.1001 - District Meetings will be held during either September or October every even numbered year, i.e. 2016, 2018.

2.1002 - Meeting dates will be scheduled by the respective District Commanders with the approval of Division Headquarters. District Commanders should coordinate the dates to prevent two or more Districts holding meetings during the same dates.

2.1003 - The District Commander or designee will preside over the meeting. All uniformed members of the District will attend their meeting unless excused by the District Commander.

2.1004 - The District Commander or his designee will coordinate the training agenda with the Training and Professional Standards supervisor.

2.1005 - The Assistant District Commander - administrative operations shall take notes during the District meeting. A copy of the notes, including discussion questions, shall be furnished to the District Commander for review. A draft of the meeting notes shall be provided to the District Commander for review within ten days of the meeting. The final copy will be supplied to the Superintendent and District uniformed members.

2.11 - STATEWIDE MEETING

2.1101 - Division Headquarters will schedule a statewide meeting to be held during either September or October every odd numbered year, i.e. 2017, 2019.

2.1102 - Division will notify the District Commanders of the meeting date as well as provide the agenda for the meeting. The Superintendent or designee will preside over the meeting. All uniformed members, including motor carrier inspectors, of the Division will attend the meeting unless excused by the respective District Commander and Superintendent.

2.1103 - Division will designate a Division staff member to take notes during the meeting. A draft of the meeting notes shall be provided to the Superintendent for review within ten days of the meeting. The final copy will be supplied to the District Commanders within fourteen days for dissemination to uniformed members of the division.

2.12 - LINE AND PERSONNEL INSPECTIONS

2.1201 - It is the responsibility of the District Commander to ensure a line and personnel inspection is conducted annually on each uniformed member of the District.

2.1202 - The inspection will be performed during the months of May through October. The inspection will be carried out by one of the Assistant District Commanders. An equipment audit form will be generated from the Division's records management system for all equipment issued to the uniformed member. The inspection will be comprehensive and include all items, including Highway Use Receipt and Temporary Commercial License Books, to include issued equipment to the uniformed member that have a DPS number assignment.

2.1203 - The Assistant District Commander shall perform a function check of the radio emergency notification button to verify proper operation and identification of the unit through dispatch.

2.1204 - Deficiencies noted during the line inspection will be corrected as soon as possible. It will be the responsibility of the Assistant District Commander and District sergeant to see that the deficiencies are corrected. All line inspection reports shall be reviewed by the District Commanders.

2.1205 - In addition to the line and personnel inspection, the District sergeant shall check the highway use receipt and other permit books issued to each uniformed member they supervise. These will be inspected at least once every three months. The inspection will note if all money collected has been properly deposited into a state account and transmitted per the policy of the Division. The District sergeant shall sign off the inspection book, on the back cover, with their initials and date of the inspection. The District sergeant shall also include the date of the last permit sold and the date of the last deposit.

2.13 - REPAIRS AND LOCAL PURCHASES (For vehicle repairs refer to Article 7.3)

2.1301 - All repair work or purchases obtained from local businesses must be authorized by a supervisor prior to the purchase or work. No item or repair normally purchased through the bid procedure may be purchased in this manner from local sources.

2.1302 - The employee making the transaction must complete a direct requisition form, HP701. Completed requisitions shall be attached to each purchase or repair invoice.

2.1303 - The invoice or sales slip shall contain a description of the item purchased. The person finalizing the transaction must sign the invoice or sales slip and attach it to the direct requisition.

2.1304 - The itemized invoice and the completed direct requisition form shall be submitted to the District office for review and then forwarded to Division for final processing and

payment.

2.1305 - All purchases or repairs costing less than five dollars should be paid by the uniformed member. A receipt shall be made out in the uniformed member's name and marked paid. The receipt should also include the complete description of the item. All paid receipts shall be submitted by the uniformed member for reimbursement. It will then be processed for reimbursement through the expense account procedure.

2.14 - EVIDENCE AND PROPERTY PROCEDURES

PURPOSE

To establish the process uniformed members will use when seizing property or evidence of a crime and when recovering or safekeeping personal property that is not part of a criminal action. The process will provide accountability and will preserve property and evidence from contamination, theft or loss. It will direct uniformed members on the proper recording, storage, handling and disposal of seized property, evidence of a crime, and personal property that is not part of a criminal action.

2.14 - DEFINITION OF TERMS

Preliminary evidence storage: A secure evidence locker generally located at or near the squad office.

Temporary evidence storage: A secure evidence area or locker generally located at or near the squad office where the supervisor places evidence after it is removed from preliminary evidence storage.

Long-term evidence storage: A secure evidence storage facility designated by division or the evidence storage facility of another law enforcement agency.

Court Sample: The amount of marijuana needed to exceed the statutory threshold for court proceedings and testing. The court-sample will be at least fifteen (15) pounds for marijuana, and one and one tenth (1.1) pounds for controlled substances, depending on the original packaging seized by law enforcement. A court sample may be taken from a single package or may be multiple packages from a single case.

Bulk Quantity: An amount of marijuana exceeding fifteen (15) pounds or a controlled substance greater than one (1) pound seized as evidence in a single case. Bulk quantity may refer to a single packaged item or multiple packages containing marijuana

Analytical Sample: When applicable, the amount taken from the Bulk Quantity for laboratory analysis. This sample will be a minimal amount required for analysis and should be representative of the entire seizure. Both the analytical sample and court sample will be retained in evidence for court proceedings or until proper authorization to destroy is received. If the marijuana seizure did not have an initial quantity in excess of 15 pounds the Analytical Sample shall be taken from the Court Sample.

Bulk Quantity Excess: The amount of marijuana left over after the court sample and analytical samples have been removed. The bulk quantity excess will be destroyed as soon as practicable pursuant to SDHP procedures.

Evidence control officer: A uniformed or non-uniformed employee of the SD Highway Patrol responsible to ensure that all evidence and property seized by the SDHP is properly labeled, logged and stored. The evidence control officer shall be responsible for the management of long-term evidence storage facility. The evidence control officer shall also be responsible for records of evidence return and destruction and shall ensure that evidence is either returned or destroyed at least twice a year to eliminate the need to store unneeded evidence.

2.15 EVIDENCE CONTROL OFFICER RESPONSIBILITIES

2.1501 - A uniformed or non-uniformed employee of the SD Highway Patrol responsible to ensure that all evidence and property seized by the SDHP is properly labeled, logged and stored. The evidence control officer shall be responsible for the management of long-term evidence storage. The evidence control officer shall also be responsible for records of evidence return and destruction and shall ensure that evidence is either returned or destroyed at least twice a year to eliminate the need to store unneeded evidence. If the evidence is destroyed, an additional uniformed member must be present.

2.1502 - In addition to the duties outlined above, the evidence control officer will be responsible for completing unannounced on-site inspection, inventory and audits of each preliminary and temporary evidence storage areas at least one time per year.

2.1503 - The unannounced inspection, inventory and audit shall be a verification of evidence and property being stored, its condition, records and their correctness. It shall also determine if legal requirements are being satisfied; evaluate if the procedures are efficient, effective and evaluate the division's structure, policies and systems.

2.1504 - A report of the inventory and audit will be forwarded to the District Commander and Assistant Superintendent within 30 days of the unannounced inspection. The evidence audit shall be completed using the evidence audit feature of the records management system to ensure an accurate audit trail is completed.

2.1505 - The evidence control officer will submit an annual report to the Superintendent by January 31 of each year summarizing the results of the prior year's unannounced on-site inspections, inventories and audits of each preliminary and temporary evidence storage areas.

2.16 SEIZING, PACKAGING AND PLACING EVIDENCE

2.1601 - Whenever property is seized as evidence, or is found or delivered, a uniformed member shall place the same in an evidence bag, box or container and properly seal and label the item. The label shall include the following:

1. Incident Report Number
2. Uniformed member's name and HP number
3. Date/time (date and time item was sealed)
4. Subject's name (if applicable)
5. Location (Location where the item was seized)
6. Description of the property (what the property is, what it looks like, weight of drug/substance or number of pills.)
7. Front cover sheet of the Incident Report should also be included in the evidence submission and attached to the item or stapled to the outside of the property packaging.
8. A generated RMS barcode should be attached to the item if applicable and available. A uniformed member may maintain non-cash evidence, marijuana less than three (3) ounces and controlled substances in powder form less than five (5) grams in their assigned patrol vehicle for up to 96 hours as long as the evidence is properly secured. If the uniformed member is not placing physical evidence at a highway patrol evidence facility, immediately following the arrest, they shall log the evidence into the records management system under "temporary patrol car" prior to the end of their shift. If the evidence is perishable, the uniformed member shall take steps to preserve the evidence regardless of the above stated time frame. In situations where physical evidence cannot be entered into temporary storage or logged at a highway patrol evidence facility within 96 hours, it shall be done with the knowledge and approval of their supervisor. If the extension beyond the 96 hours is approved, it shall also be documented in the incident report in the records management system.

2.1602 - All cash evidence shall be placed in preliminary evidence storage, long-term evidence storage, deposited in a bank or turned over to a DCI Agent prior to the end of the uniformed member's shift. Under no circumstance shall the uniformed member place

evidence (cash or non-cash) or property in any personal locker, home storage location, desk or other non-approved storage location.

2.1603 - Once evidence is placed into preliminary evidence storage, long-term evidence storage, deposited in a bank or turned over to a DCI Agent, the seizing uniformed member shall make notification to their supervisor.

2.1604 - Once a uniformed member places evidence into a preliminary evidence storage locker, that uniformed member shall not have the ability to reenter the preliminary evidence storage locker. At no time should a uniformed member (below the rank of Sergeant) have the ability to access a preliminary evidence storage locker, a temporary evidence storage locker or long-term evidence storage location where evidence is being maintained without being accompanied by a supervisor.

2.1605 - Prior to packaging evidence, all physical evidence to exclude blood and urine sample items shall be individually photographed with division issued cameras. Large seizures may contain multiple items in one photograph. All photographs that are taken will be electronically attached to the case file in the records management system. All evidence will be packaged according to the South Dakota Highway Patrol Property/Evidence Packaging Manual.

2.1606 - Only division issued or other law enforcement agency evidence boxes, bags or containers will be used in the packaging of evidence. The exception to this is evidence that will not fit into a container i.e. a chain saw, in which case an approved evidence tag or sticker will be used. If evidence is contained in a suitcase or other similar container, the suitcase shall be zip-tied closed and evidence tape shall be applied around the zip tie. All preliminary and long-term evidence storage locations shall be stocked with division issued evidence supplies.

2.1607 - In cases where packages are used, self-sealing evidence bags or tamper-proof evidence tape will be used to seal the opening of the container(s). The uniformed member will date and sign or initial the tamper-proof tape, so that they may testify that the seal is the same seal originally placed on the package. The signature or initials and date should overlap the seal and package. The purpose is to provide greater security for the evidence. In the event that the evidence seal is broken, the tape will tear in a way that will be obvious. In this case, the chain of custody card should reflect the reason for the broken seal. The original packaging that was opened or destroyed will be retained with the evidence in the new evidence bag or other packaging.

2.17 - EVIDENCE - FIREARMS

2.1701 - All firearms placed into evidence either as evidence or for safekeeping shall be unloaded with the action open. Plastic ties are provided to insert through the magazine well and the breech. Firearms shall be packaged so that personnel can visually verify the weapon

is unloaded and safe. Firearms shall always be tagged with a wire-tie evidence tag. All magazines or other ammunition delivery systems will be removed from the firearm and packaged in accordance with the above evidence packaging guidelines (5 through 9).

2.1702 - In a case where a firearm or other evidence must be preserved for forensic evidence (i.e. fingerprints, DNA) the uniformed member shall notify their immediate supervisor so the firearm or other evidence is carefully handled.

1. If a firearm is loaded and unloading it would destroy valuable physical evidence, the uniformed member shall communicate with their supervisor to determine where and how the firearm should be stored. If a firearm is loaded, it should be clearly and conspicuously indicated on the evidence tag. At no time will a loaded firearm be stored in temporary or temporary evidence storage.
2. All safety devices must be engaged.

2.1703 - If a firearm is seized, proper electronic records shall be completed identifying the firearm, accessories and any ammunition. In addition, accurate phone numbers of the individual should be attached to the electronic record to ensure the item can be properly returned to the subject it was taken from.

2.1704 - All uniformed members in the chain of custody for firearms shall verify the identification number of any firearms submitted as evidence.

2.1705 - If a firearm is directly submitted to a lab for examination, the uniformed member shall complete an accurate electronic record within the incident report under the Evidence Section. The form, along with the lab submission document, shall be forwarded to the evidence control officer. If a firearm is sent to a lab after it is submitted to long-term storage, the transfer of the firearm shall be logged within the electronic evidence record. In addition, once the laboratory receives the firearm, the uniformed member shall receive a signed custody form from the receiving agent and attached that receiving record into the incident report.

2.1706 - If a uniformed member is required to take a confiscated firearm to court they shall document the transfer within the electronic evidence record. If a subpoena has been issued, a copy of the subpoena shall be attached to the specific incident report it pertains to. The uniformed member shall receive the firearm from the evidence control officer and confirm the make, model and serial number. The evidence control officer shall note the removal of the firearm for court in the evidence/property database. At the conclusion of court, the uniformed member shall return the firearm to long-term evidence storage. When resubmitting evidence taken from court; the uniformed member shall follow the submission

process. If the court retains the firearm, the uniformed member shall obtain a receipt and attach it to the incident report. The evidence control officer shall ensure the correct status of the evidence in the evidence/property database.

2.1707 - Unless associated with a felony, class one misdemeanor, or a court order, firearms shall be removed from the evidence system. Prior to the firearm being removed, the Division of Criminal Investigation Crime Laboratory should be consulted for proper disposition.

2.1708 - Whenever a firearm is released, transferred or returned to a private citizen, a full inquiry shall be made to determine if the person is restricted under state or federal law to possess a firearm.

2.18 - EVIDENCE - KNIVES

2.1801 - Fixed blade knives shall be packaged using a knife box before being placed in the preliminary evidence storage locker. Folding knives may be placed in a bag or envelope. If it is likely the knife will be examined for blood, hair, fibers, or other trace evidence, it shall be noted when labeling the item.

2.19 - EVIDENCE - CASH SEIZURES

2.1901 - Cash evidence is to be placed in an approved container, and sealed with tamper-proof evidence tape. Uniformed members shall not seize less than \$500 cash without prior approval from a supervisor.

2.1902 - Upon discovery of cash assets linked to drug trafficking or possession, uniformed members shall photograph the money and have another law enforcement uniformed member also count and verify the amount seized. Witnesses shall be noted on the forfeiture form and investigative files. Uniformed members will provide the subject with a property evidence receipt verifying the amount of cash seized and the specific denominations of the cash.

2.1903 - Uniformed members will maintain proper evidence and chain of custody procedures for seized cash.

2.1904 - On a criminal case, uniformed members seizing cash will consult with the prosecutor in the jurisdiction of the seizure to verify whether or not the actual seized cash is needed for evidence. If the actual seized cash is not needed for evidence, proceed to 2.1907.

2.1905 - If there is no criminal case but only a seizure of cash that is linked by evidence to drug proceeds, the Assistant Attorney General assigned to the civil forfeiture case shall be consulted to determine if the cash may be deposited. If the actual seized cash is not needed for evidence, proceed to 2.1907.

2.1906 - If the prosecuting attorney or the Assistant Attorney General determines the actual seized cash needs to be kept for court, the uniformed member shall have the amount verified by another law enforcement uniformed member, properly label and seal the evidence bag, and place the seized cash in preliminary or long-term evidence storage. The uniformed member shall notify their supervisor of the total amount seized. Cash placed in preliminary or temporary storage will be transferred to long term evidence storage within 96 hours. A receipt shall be generated for this transaction and attached to the incident report in the records management system.

The consultation with the county or state prosecutor and the decision made to deposit the cash will be noted in the uniformed member's report.

2.1907 - If the seized cash is not needed for court, the uniformed member shall deposit the cash as soon as possible into a designated bank if business hours apply. Uniformed members will facilitate the cash being deposited and documented by the bank's cash counting machine which will also identify the quantity and denominations of the cash seized. Copies of the receipts, evidentiary forms verifying the amount of the cash seized, and the deposit slip shall be forwarded directly to the Pierre DCI office for the civil forfeiture file. Copies of these forms shall also be uploaded into the corresponding case report within the SDHP records management system. Between First National, First Savings and Great Western Bank there are 45 banks in SD that can be utilized for this deposit.

2.1908 - If the seized cash is not needed for court, but the seizure is after normal business hours, the uniformed member shall have the amount verified by another law enforcement uniformed member, properly label and seal the evidence bag and place the seized cash in preliminary or long-term evidence storage by the end of their shift. The uniformed member shall notify their supervisor of the total amount seized. As soon as possible, a supervisor shall deposit the cash into designated bank following the procedures outlined above.

2.1909 - If the seized cash was found within a bag or container, or was wrapped or bundled, every effort will be made to photograph, preserve and store this evidence for later processing, as it may provide potential forensic evidence. Uniformed members may also consider listing the contraband or other assets for seizure purposes or it may be required to be released.

2.1910 - An asset forfeiture form shall be completed in the SDHP records management system, listing all currency by denomination of bills and coins. The forfeiture form will be filed with the Attorney General's Office within five (5) working days of the seizure.

2.1911 - Any failure to follow the procedures and protocol will not be a defense to the asset forfeiture for any criminal suppression hearing involving the cash. This policy establishes guidelines for the safe and effective handling of cash. The guidelines are not intended to establish any right on behalf of any interested party nor any duty upon law enforcement.

2.20 - EVIDENCE - JEWELRY

2.2001 - When placing jewelry into evidence, the uniformed member will describe the item for future identification and refer to stones by color rather than a diamond, emerald, etc. Metals should be described as yellow, white, etc., rather than as platinum, gold, etc. It would be presumptuous for a uniformed member to state a stone is a diamond or a metal is yellow gold without expert knowledge.

2.21 - EVIDENCE - ALCOHOLIC BEVERAGES

2.2101 - When alcoholic beverages are seized as evidence relating to a misdemeanor charge, the uniformed member may enter all articles, packages, bottles, cases, kegs, etc. into the temporary evidence storage locker or long-term evidence storage, or the uniformed member may videotape or photograph the alcohol seized, then empty the contents of the container(s) and properly dispose of the container. The videotape or photograph will serve as the evidence.

2.2102 - When alcoholic beverages are seized as evidence relating to a felony charge or actions relating to the license of a liquor establishment, the uniformed member shall seize and enter all articles, packages, bottles, cases, kegs, etc. into temporary evidence storage or long-term evidence storage.

2.22 - EVIDENCE – DRUGS

2.2201 - When preparing drugs, narcotics or marijuana for submission into temporary evidence storage, the uniformed member shall determine the weight of the evidence and bag each item separately with the exception of drug paraphernalia. The weight will be the gross weight, including any packaging that may be part of the evidence seized. The evidence will be appropriately sealed and the weight will be annotated in the report.

2.2202 - If drugs, narcotics or marijuana are directly submitted to a laboratory for examination, the uniformed member shall log each item transaction into the electronic evidence record and obtain a signed receipt from the receiving agent. The transferring uniformed member shall also sign the transfer form. The form, along with the lab submission document, shall be included in the respective incident report.

2.2203 - If a uniformed member is required to take narcotics, drugs or marijuana to court they shall document the transfer in the electronic evidence record with the Incident Report for that specific piece of property. If a subpoena has been issued, a copy shall be attached within the respective incident report as an attachment. The division evidence control officer shall ensure all chain of custody issues are followed correctly as it pertains to the transfer of evidence.

2.2204 - If large amounts of marijuana are seized, please refer to section 2.27 of this policy.

2.23 - EVIDENCE – DIGITAL VIDEO

2.2301 - All video recordings are evidence, and will be off-loaded into the District designated video management system. Videos may be reviewed for performance logs as well as complaint investigations.

2.2302 - Uniformed members, upon completion of each video will properly label each video prior to placing it into the video management system.

2.2303 - Original videos are the property of the Highway Patrol. With exception for the states attorney, requests for duplicate copies of videos shall be authorized by the District Commander.

2.2304 - Care shall be given to ensure the video recording system is functional at all times. Any malfunctioning equipment will immediately be relayed to the uniformed members' immediate supervisor.

2.2305 - Videos shall be retained in accordance with the below highway patrol and BIT policy.

1. Default (anything untagged) – 60 days
2. DUI – 1095 days
3. Crash – 1095 days
4. Criminal Investigation – 1095 days
5. Motor Carrier – 120 days
6. Pursuit – 1095 days

7. Non-Event – 120 days
8. Traffic – 120 days
9. Training – indefinitely
10. Admin Review – indefinitely (also enforces special permissions regarding who can view/un-tag/etc.

2.2306 - Video recordings generated by uniformed members, while on official duty, are the property of the Highway Patrol. Written permission is required from the Superintendent if anyone wishes to use a video for unofficial purposes.

2.2307 - Video recordings that contain material deemed beneficial for training purposes may be used upon approval of the District Commander. Use of a video for any other purpose shall be authorized by the Superintendent.

2.2308 - Outside requests for videos as evidence for a civil matter shall be scrutinized and approved by the District Commander. The staff handling of these requests shall follow the policy established in Article 9.

2.2309 - Video recordings from other media devices, if associated with an arrest or in support of an arrest, will be transferred into the Highway Patrol video management system within 96 hours of capture.

2.24 - FOUND PROPERTY

2.2401 - Found property, which is considered non-evidentiary and not known or suspected to be connected with any criminal offense, is deemed to be lost or abandoned.

2.2402 - When uniformed members come in possession of found property, they shall follow the procedures used to submit evidence into the evidence/property system and create an Incident Report and complete as much information as possible. Found property shall be thoroughly searched to prevent unwanted items from entering the evidence/property system.

2.2403 - When possible, found property should be stored securely, but separately at the squad office and not co-mingled with other items of general evidence. Efforts to maintain the found property as well as determination of the rightful owner shall be consistent with SDCL 43-41.

2.2404 - If the owner of found property is established, they shall be contacted by either mail or telephone and notified they must re-claim their item(s) within thirty (30) days of the notification. Such notifications shall be documented within the respective Incident Report.

2.2405 - After ninety (90) days, if the owner of the property cannot be determined, it shall be disposed in a method consistent with SDCL 43-41.

2.2406 - If found property is a firearm, the District shall have the option of submitting it to the Division of Criminal Investigation Crime Lab for final disposition or the Superintendent of the Highway Patrol may allocate it to Division inventory for training purposes.

2.2407 - Found property, which is contraband pursuant to SDCL 34-20B, shall be disposed of in accordance with state statute.

2.25 - PROPERTY FOR SAFE KEEPING

2.2501 - Property for safe keeping, placed in custody of the department for temporary protection on behalf of the owner, is considered non-evidentiary.

2.2502 - When a uniformed member takes possession of property for safe keeping they shall follow the procedures used to submit evidence into the evidence/property system. The property shall be thoroughly searched to prevent unwanted items from entering the evidence/property system.

2.2503 - Uniformed members shall make proper documentation of all property received for safe keeping inside of a created Incident Report.

2.2504 - When possible, property for safekeeping should be stored separately in the evidence room at the squad office and not co-mingled with items of general evidence.

2.2505 - If the property for safekeeping is a firearm, it shall not be returned to the owner until an investigation has been completed to ensure the firearm is not returned to a prohibited person.

2.2506 - After 30-days if the owner of property kept for safekeeping has not retrieved their property, a letter shall be sent giving a deadline of 30 days to pick-up their property. The letter will clearly state all unclaimed property will be disposed of after 30 days. These letters will be sent via registered mail. Unclaimed property shall be disposed of pursuant to SDCL 43-41. Copies of these documents shall be attached to the incident report in the records management system.

2.26 - SEIZING, PACKAGING AND PLACING EVIDENCE – Supervisor Responsibilities

2.2601 - If the supervisor is the seizing uniformed member, the process outlined in 2.16 shall be followed. A supervisor may place evidence directly into temporary evidence storage.

2.2602 - Once the supervisor is notified of a uniformed member placing non-cash evidence into a preliminary evidence storage locker, the supervisor shall conduct a visual inspection of the items and verify all documentation and transfer the evidence to either temporary or long-term evidence storage. This transfer shall be noted in the records management system.

2.2603 - In cases where the uniformed member neglects to use an approved container or sticker, improperly places the evidence or has not entered the evidence correctly in the records management system, the supervisor has the “right of refusal.” The evidence will be left in the preliminary evidence storage locker and notification will be sent to the uniformed member from their supervisor. This notification will identify the problem, identify the urgency, and ask the uniformed member to arrange to correct the problem. The supervisor and the uniformed member will then meet and correct the problem.

2.2604 - In cases where the non-cash evidence is stored and documented properly, the supervisor shall transfer all non-cash evidence to temporary or long-term evidence storage. This transfer shall be noted in the appropriate case file within the records management system.

2.2605 - In cases where the cash evidence is needed for court, the supervisor shall turn the cash evidence over to a Evidence Control Officer as soon as possible for long term storage. This transfer shall be noted in the appropriate case file within the records management system.

2.2606 - In cases where cash evidence is not needed for court and the seizing uniformed member has placed the cash evidence into preliminary or long term evidence storage, the supervisor shall retrieve the cash evidence from preliminary evidence storage and deposit it into a bank following the procedures outlined above.

2.2607 - All non-cash evidence that is stored in temporary evidence storage shall be transferred to long-term evidence storage within 45 days. Personal delivery or an approved courier (with package tracking documentation) may be used. This transfer shall be documented in the records management system and any courier tracking receipts shall be added to the case file in the records management system.

2.2608 - A signature log shall be maintained where evidence is being stored for audit purposes. The audit log shall contain, at a minimum, the name of the uniformed member accessing evidence holding areas along with the date, time and reason why the uniformed member is accessing the evidence storage area.

2.2609 - Each supervisor shall have an evidence report in the records management system that is immediately available for inspection to show the current evidence inventory in preliminary or temporary evidence storage.

2.2610 - Once evidence and/or property is entered into long-term evidence storage, it shall remain there unless subpoenaed for court, transferred to a testing facility, returned to the owner or marked for disposal/destruction.

2.2611 - Once the evidence and/or property are placed into long-term evidence storage, the evidence control officer shall be solely responsible for the evidence and/or property. The evidence control officer will submit the evidence for testing, obtain the evidence pursuant to a subpoena and provide it for the court, return or destroy the evidence once authorization is received from the court or prosecuting attorney. The disposition of the evidence shall be noted in the appropriate case file within the records management system.

2.2612 - Whenever a supervisor retires, transfers, is promoted or otherwise changes positions where they are no longer in charge of temporary and temporary evidence storage, all evidence in their custody must be submitted to the evidence control officer for long-term evidence storage.

2.27 - PLACING BULK QUANTITIES OF CONTRABAND DRUGS

2.2701 - The intent of this procedure is to prevent the stockpiling of large quantities of contraband drugs in the evidence storage and to store only what is needed for testing and prosecution. Warehousing large quantities of contraband drugs, not only presents a security and storage dilemma, but it is also hazardous to workplace health and is unnecessary for criminal prosecution.

2.2702 - The guidelines below will be followed by the seizing uniformed members and a supervisor once bulk quantities of Marijuana have been placed in preliminary, temporary or long-term evidence storage:

2.2703 - Prior to storing the court sample, analytical sample or destroying the bulk excess, evidence, photos will be taken of the entire bulk quantity of contraband, documenting the original condition and packaging of the seizure. The identifying case number will be included in the photos.

2.2704 - A total weight of the bulk quantity will be obtained and documented in the case file and on a Drug Data Form.

2.2705 - Marijuana seizures greater than fifteen (15) pounds and controlled substances greater than one and one tenth (1.1) pounds shall have both a court sample and an

analytical sample(s) taken for the purpose of analysis and prosecution. The court sample and analytical samples will be packaged separately from the bulk excess and shall be noted on the evidence forms.

2.2706 - Marijuana not identified as a court sample or analytical sample will be considered bulk quantity excess. The seizing uniformed member or a supervisor and the evidence control officer will destroy the bulk quantity excess amount as soon as practicable pursuant to SDHP procedures.

2.2707 - In the event fingerprint or other laboratory analysis is required, the seizing uniformed member will note those results in their case file prior to the destruction of the bulk quantity excess. Packaging containing fingerprints or forensic evidence pertinent to the case will be retained in evidence.

2.28 - CHAIN OF CUSTODY

2.2801 - When placing evidence, employees will keep that evidence secure and in good condition, and will take all necessary steps to maintain the chain of custody. Evidence should be handled by the least number of people as possible. Generally, whichever employee takes initial control of the property should place the property in evidence without the property going through any other hands. It is important to know that the uniformed member packaging and placing the evidence is solely responsible for the integrity of the evidence, until such time that the evidence seal is broken. At this point, the person entering the chain of custody will share responsibility.

2.29 - HANDLING AND STORAGE OF BLOOD OR BODY FLUID SOAKED PROPERTY AND EVIDENCE

2.2901 - Evidence containing suspected blood or other body fluids should be handled with protective disposable gloves. If the stain or sample is dry, it should be placed in a paper bag. An approved evidence tag and a biohazard label should be affixed to the outside of the package. If the evidence consists of a syringe and needle, they should be placed in the protective, approved container. The container should be sealed with tamper-proof tape, tagged with an evidence tag. Liquid samples either should be collected as a liquid and stored in a bottle or, if located on clothing or similar materials, should be air-dried and packaged as described above.

2.2902 - Always wash thoroughly with soap and water after handling any item suspected of being contaminated with blood or other body fluids. Wash even if you have worn protective disposable gloves.

2.2903 - Persons working in areas for extended periods of time where blood or other body fluids have been shed (i.e. crime scene personnel working for protracted periods at homicide scenes) should wear anti-contamination clothing such as suits, masks, boot covers and gloves.

2.2904 - Any clothing or evidence contaminated with suspected AIDS, Hepatitis B or other contagious diseases will be placed in a specified area and clearly labeled. Label the previous items in this manner, "Known AIDS," "Possible Hepatitis B," etc.

2.2905 - All bloody clothing will be treated as if it is contaminated.

2.2906 - All personnel shall wash their hands thoroughly with germicidal soap after handling any possible contaminated clothing or evidence.

2.2907 - Body fluid stained or soaked articles shall always be packaged separately. In addition to this, a red or orange Biohazard warning label will be placed on the package on the same side as the evidence sticker. The exception to this is wet, or blood stained clothing or fabric requiring hours of drying. If evidence is seized where drying is required, the uniformed member may notify their supervisor to coordinate the proper drying of the evidence.

2.30 - BLOODBORNE PATHOGENS

2.3001 - Employees of the South Dakota Highway Patrol need to be concerned about diseases that spread from contact with blood and other bodily fluids, as well as other contagious diseases such as HIV and Hepatitis.

2.3002 - Employees should attempt to minimize their exposure to any blood product or bodily fluid through the use of protective clothing and latex gloves. This is particularly acute for officers who have open cuts, abrasions or cracks in their skin.

2.3003 - If an employee sustains an occupational exposure they should be immediately treated following the procedures of the South Dakota Department of Health and the South Dakota Highway Patrol. The officer shall also immediately contact their immediate supervisor.

2.3004 - An employee that sustains an occupational exposure shall file S.D. Employer's First Report of Injury and a "Division Members Accident Report" within three (3) days of the exposure / incident.

2.3005 - The Assistant District Commander - administrative operations shall ensure that paperwork is filed with the Worker Compensation Office / Bureau of Human Resources within seven (7) days of the exposure / incident.

2.3006 - The Assistant District Commander - administrative operations shall monitor the employee's progress and ensure that testing and treatment takes place in accordance to the procedures of the Bureau of Human resources and the South Dakota Department of Health.

Additional information regarding bloodborne pathogen exposure may be obtained on the internet at: <https://doh.sd.gov/resources/assets/DOHBloodbornePathogens.pdf>

2.31 - WORKER'S COMPENSATION (SDCL Title 62)

2.3101 - COVERAGE

The Worker's Compensation Act requires that an employer, either through self-insurance or a private insurance carrier, provide reasonable and necessary medical treatment to employees who sustain a compensable work related injury, illness or disease arising out of and in the course of their employment. Employees who are under the care of a medical practitioner and are incapacitated for a period of seven or more consecutive days as documented by the treating medical practitioner may be entitled to receive disability benefit payments. Benefits will begin with the first full day the employee is incapacitated until released to return to full duty by the treating medical practitioner.

2.3102 - BENEFITS

The following benefits are provided to the employee under the Workers' Compensation Act. Benefits which an employee may be entitled to receive will depend on those applicable to the individual case.

A. MEDICAL BENEFITS (SDCL 62-4-1)

The employer or the employer's insurer must furnish necessary first aid, medical, surgical and hospital services, or other suitable and proper care as allowed by statute.

Repair or replacement of damaged prosthetic devices is considered a compensable medical service if the devices were damaged or destroyed in a work related accident. Repair or replacement of hearing aids, eyeglasses, contact lenses and dentures are also considered a compensable medical service if they are damaged or destroyed in an accident which also causes another injury compensable under the law.

Medical services will be subject to a fee schedule and in no case may a health provider charge a higher price to an injured worker who is eligible for workers' compensation benefits. The injured worker is not responsible for the difference between the billed amount and the amount paid for medical treatment received as a result of a compensable work-related injury. Workers' Compensation approved charges are paid at 100%.

The employee has the right to make the initial selection of their medical practitioner (defined as a licensed health care provider) and must notify the employer of his or her selection prior to treatment or as soon as reasonably possible after treatment has been provided.

The employee may obtain a second opinion at his own expense. The employer also has the right to a second opinion.

Travel, lodging and meal costs incurred as a result of securing necessary medical treatment are also compensable in certain instances. Generally, such expenses will only be allowed if an employee is required to travel outside the location of the employee's home or work place to obtain medical treatment due to the medical service not being available in the employee's home or work place location. The Division of Labor and Management should be contacted in regard to current rates.

B. DISABILITY BENEFITS

Temporary Total Disability - An employee is entitled to receive temporary total disability benefit payments beginning the first full day off work. The time off work must be recommended by the treating medical practitioner. Payments continue until the medical practitioner releases the employee to return to work or determines that the employee's condition has reached a point of maximum medical improvement.

Temporary Partial Disability - If the medical practitioner allows an employee who is still recovering from an injury, illness, or disease to return to part-time or modified work, with a bona fide job offer, and the employee receives less than his or her average weekly wage the employee may be entitled to temporary partial disability benefits.

Permanent Partial Disability - If an injury or illness results in impairment of certain members of the body, an employee may be entitled to permanent partial disability benefits. Benefits are computed by applying a determination of the employee's percentage of impairment to the number of weeks designated in the schedule provided by SDCL 62-4-7. This number of weeks is then multiplied by the applicable compensation rate.

Permanent Total Disability - When an employee is totally and permanently disabled in terms of occupational capacity, or can no longer perform services of any kind, extent and quality for which a reasonably stable labor market exists, the injured worker may be entitled to compensation at the applicable weekly rate payable during the entire period of the disability.

Rehabilitation - An employee who is unable to return to their usual and customary line of employment due to an occupational illness, disease or injury, may be entitled to receive Vocational Rehabilitation benefits at a rate provided by SDCL 62-4-3 during the period he/she is engaged in a program of rehabilitation which is reasonably necessary for

restoration to suitable, substantial and gainful employment.

Any injured employee desiring rehabilitation services should contact the Bureau of Human Resources, Office of Workers' Compensation to initiate approval of any program or for referral to a rehabilitation agency.

C. DEATH BENEFITS

If an injury causes death, compensation is payable to the spouse of the employee at the rate provided by SDCL 62-4-3 for life or until remarriage. In the case of remarriage, a sum equal to two years of compensation will be paid to the spouse. Following a two year waiting period, any surviving child or children will receive compensation at the rate provided by SDCL 62-4-3. If there is more than one dependent child the amount of compensation payable shall be split equally. The surviving child or children will continue to receive this amount until age 18 or twenty two if enrolled as a full time student in any accredited educational institution. If a child or children is physically or mentally incapable of self-support, the amount of compensation shall be payable for life.

An additional \$50.00 per month will be paid to each legally dependent child of the deceased employee from the date of the employee's death and until that child reaches age 18. The employer or his insurer also has an obligation to pay up to \$5000.00 in burial expenses plus the cost of transporting the body, if death occurs outside the community where the employee is to be buried.

D. RATE OF COMPENSATION

As of July 1, 2007, weekly compensation is two thirds ($\frac{2}{3}$) of the employee's average weekly wage (including overtime hours at straight time pay) up to a maximum of \$550.00 per week. The minimum compensation is \$275.00 unless the employee's average weekly wage is less than \$275.00. The foregoing amounts are used to calculate temporary total disability, temporary partial disability, permanent partial disability, permanent total disability, rehabilitation, and death benefits. The minimum and maximum amounts change each July 1. The remaining one-third will be supplemented through the use of sick and/or annual leave as determined by the Office of Workers' Compensation.

2.3103 - REPORTING INJURIES (SDCL 62-7-2 & 62-7-10)

It is the responsibility of the employee to immediately report all injuries, whether or not they involve disability, to their immediate supervisor no later than three (3) business days after the injury's occurrence. Written notification must include when, where, and how the injury occurred. If the employer has knowledge of an injury requiring medical treatment (other than minor first aid) or incapacitating an employee for seven or more calendar days, a report must be filed with the Bureau of Human Resources Office of Workers' Compensation. The report must be filed within seven (7) calendar days, not counting

Sunday's and legal holidays, of the employer's/supervisor's notification. Failure to give such notice could result in the denial of any benefits. It is the responsibility of each District office, or Division Headquarters, as the case may be, to supply the necessary forms for employees who are injured in the course of their employment and to keep their employees informed of their benefits under the Workers' Compensation Program. To insure that employees are treated fairly and appropriately, all forms and reports will be processed through the applicable District and the Division Headquarters.

2.3104 - THIRD PARTY INVOLVEMENT (SDCL 62-4-38 & 39)

Occasionally employees of the Division are injured in an accident caused by a third party. Whenever an accident, for which compensation is payable under the Workers' Compensation Act, occurs under circumstances which create legal liability to pay damages by a person other than the Division, the injured employee may, at his option, either claim compensation or initiate legal proceedings against such other persons to recover damages, or proceed against both. However, he shall not collect from both.

If compensation has been paid under the Workers' Compensation Act and the employee has recovered damages from another person, the Bureau of Human Resources, Office of Workers' Compensation may recover from the employee an amount equal to the amount of compensation paid to or on behalf of the employee, less the necessary and reasonable expenses of collecting the same. The Bureau of Human Resources has a right to offset any net recovery from a Third Party against any future medical and disability benefit payments.

2.3105 - PROCEDURES APPLICABLE FOR AND AFTER FILING COMPENSATION CLAIM

The following procedures shall apply to either the employee or the employer's representative when filing a compensation claim.

A. PROCEDURES FOR THE EMPLOYEE

If you are injured or contract an occupational illness or disease, and the injury, illness, or disease arises out of and in the course of your employment, you must immediately report the incident to your immediate supervisor. The employee or their supervisor are responsible for filing the Employer's First Report of Injury form as soon as possible, but not later than three (3) business days after the injury's occurrence. This report form shall be completed online by the employee or immediate supervisor. The employee or supervisor must submit the Employee Accident Report, Medical Release of Information and supervisory case report within the case report in the RMS system.

B. PROCEDURES FOR THE EMPLOYER

When an injury is reported, the supervisor shall contact the injured employee and obtain

the necessary information needed for completing the Employer's First Report of Injury form.

A supervisor's report shall be completed and accompany the Employer's First Report of Injury.

A Signed Employee Accident Report shall be completed and accompany the paper copy of the Employer's First Report of Injury form.

A signed Release of Medical Information form shall be completed should the injured employee seek treatment for the injury or illness.

It shall be the responsibility of the Assistant District Commander - administrative operations, where applicable, to file or see that necessary Workers' Compensation reports and forms are completed. He shall promptly notify the District Commander of such injury or illness, and furnish the name of hospital or other place where the uniformed member is being cared for.

The Assistant District Commander - administrative operations shall follow up on the time lost by the injured employee and if he is off work for seven (7) calendar days due to the injury or disease, he will report this fact to the District Commander immediately.

Thereafter, a report of employee status will be made every seven (7) days until he resumes work. A report shall be made immediately when the employee returns to work.

The Assistant District Commander - administrative operations shall be furnished with any additional information, which the Commander feels, may be pertinent to the Worker's Compensation claim for medical or disability benefits. This information may be either substantive or adverse in nature and will be considered as confidential.

2.3106 - EXPLANATION OF FORMS AND REPORTS

A. EMPLOYER'S FIRST REPORT OF INJURY/ILLNESS

This form is to be completed as soon as possible after an accident in which an employee has been injured. The law requires that written notification be provided to the employer no later than 3 business days after the injury's occurrence. The Bureau of Human Resources, Office of Workers' Compensation must be notified within (7) business days when an injury requires more than minor first aid, excluding Sundays and holidays. This report should be submitted in cases where an employee suspects that he may be injured from an accident. It should be submitted in borderline cases where it is unknown whether or not the accident would be an "on-the-job" accident. The Office of Workers' Compensation makes this decision. If the employee returns to work before the report has been submitted, be sure to put the exact date and the time the employee returned to work. If the employee did not leave work at all

because of the accident, then designate this on the report. All applicable blanks on the form should be completed if information is available at that time. Care should be taken to describe the details surrounding the accident so the Office of Workers' Compensation can determine if it was an "on-the-job" accident.

B. EMPLOYEE'S ACCIDENT REPORT

This form is to be completed by the employee and provides additional information to the Office of Worker's Compensation to process any claim(s) resulting from the injury.

C. RELEASE OF MEDICAL INFORMATION

Any injured employee seeking workman's compensation benefits is required to complete a "Release of Medical Information" form in order for the Office of Workers' Compensation to adequately evaluate treatment of injury or illness.

D. WORK STATUS REPORT

This form is to be completed by the medical provider upon the employee's initial consultation with physician as a result of the work related injury. Its purpose is to evaluate and determine the applicability of a possible light duty assignment if the employee is unable to perform the duties of his/her current position

CHAPTER 3 – LEAVE, DAYS OFF, & OVERTIME

PURPOSE

The purpose of this article is to inform uniformed members of the South Dakota Highway Patrol of the department requirements pertaining to work shifts, overtime and days off, and return to work procedures. Additionally, this article informs the uniformed members of their various benefits pertaining to leave and holidays and the circumstances and requirements to qualify for them.

POLICY

It is policy of the Highway Patrol that all uniformed members will be required to work an eight or ten hour shift per work day, respective to their assigned duties. Furthermore,

uniformed members may qualify for overtime pay if it meets the criteria established by Division. All uniformed members will qualify for leave benefits as described in this article and are governed by the laws and rules of the State of South Dakota.

3.1 - PATROL SHIFT

3.101 - Troopers will normally be assigned to work an eight or ten hour shift. The start and end times may vary and may consist of a continuous or split shift depending upon the assignment or the position held. Troopers may be responsible to respond to emergency calls before or after their scheduled work shift.

3.102 - Troopers will be assigned to a shift. The shifts will be established by the District sergeant and District staff. The start and end times may vary from squad to squad, depending upon the goals and objectives of the District and Division.

3.103 - Work hours commence when a uniformed member is in their vehicle and has checked in with dispatch and ends accordingly.

3.104 - When on special assignments, such as training or serving as an instructor, the uniformed members shift will begin at the scheduled starting time of the assignment.

3.105 - District sergeants will be assigned to work an eight hour shift. The start and end times may vary and may consist of a continuous or split shift, depending upon the assignment or the position held.

3.106 - District sergeants' shifts will be established by the District staff. The start and end times may vary depending upon the need for supervision of the squad or zone and the goals and objectives of the District and Division.

3.107 - District and Division command staff's workday will consist of an eight hour day.

3.108 - During a patrol shift, troopers and sergeants will be limited to two 15 minute break periods and one 30 minute meal break, or one 60 minute meal break, per shift. Break periods will not be reported as duty time when assigned to duties where they are not expected to respond to calls for service, such as special meetings, attending training or while serving as an instructor. If the breaks exceed the allotted time periods, or are taken at their residence or other non-public location, they will not count as part of the patrol shift.

3.109 - Uniformed members are expected to eat at least one meal at a public restaurant or café per shift.

3.110 - For the purpose of qualifying for daily short form per diem, a workday is six or more hours.

3.2 - DAYS OFF

3.201 - Uniformed members of the Highway Patrol are permitted eight (8) days off per twenty-eight day scheduling period with four (4) days off for each two (2) week portion of the 28 day period unless the uniformed member is on an alternate work schedule such as four 10-hour shifts.

3.202 - Assignment of days off for troopers and sergeants will be approved by the District Commander or their designee. It shall be based upon the needs of the uniformed members and the needs of the SD Highway Patrol. The needs of the SD Highway Patrol will take priority unless extenuating circumstances exist for the uniformed member.

3.203 - District troopers shall work no less than two Saturdays and two Sundays during each 28-day scheduling period unless an exception is approved by the Superintendent.

3.204 - District sergeants and assistant squad leaders shall work no less than two Fridays, two Saturdays, and one Sunday during each 28-day scheduling period unless an exception is approved by the Superintendent. District sergeants may substitute themselves for uniformed manpower during Fridays and Saturdays.

3.205 - District Commanders shall take into consideration the Division's responsibility to have a sufficient number of personnel on-duty status each day to carry out required duties. Distribution of on-duty uniformed members will be such as to provide effective coverage. Districts shall strive to have 50% of their available manpower strength work each day Saturday through Thursday and 75% of available manpower strength each Friday unless an exception is approved by the Superintendent.

3.206 - Division Command or Administrative Staff, District Commanders, and Assistant District Commanders will normally be assigned Saturday and Sunday as days off.

3.207 - The District Commander or their designee shall set a schedule of on-call responsibilities for after business hours, weekends and holidays. The schedule shall include the District Commander and Assistant District Commanders.

3.208 - Any uniformed member who is on military leave will revert to a five day work week, and will be assigned Saturday and Sunday as days off.

3.209 - No uniformed member will be scheduled to work more than eight consecutive days,

unless specifically approved by the District Commander or their designee.

3.210 - Schedules should be designed to coordinate regular days off and annual leave requests that do not overlap unless adequate squad coverage can be provided.

3.211 - While planning the schedule, supervisors shall communicate with troopers and attempt to accommodate the trooper's requests for days off during the 28 day schedule while still adhering to manpower requirements.

3.212 - In the event of extenuating circumstances, uniformed members may request their days off be changed after the schedule is finalized. The uniformed member's supervisor may approve or deny the request based on available manpower and other needs of the SD Highway Patrol. If the supervisor approves the change, the supervisor will be responsible for immediately notifying the district headquarters of the change.

3.213 - Uniformed members may trade days off after the schedule are finalized with other uniformed members. It is the responsibility of the uniformed member requesting the change to coordinate with another uniformed member and make the request to their supervisor. As long as two uniformed members agree to trade days off and all other policy requirements are met as outlined above, the supervisor shall approve the request and notify district headquarters of the change.

3.214 - The final work schedule will be entered into share point (or other approved scheduling program) at least one week in advance of its effective date.

3.3 - VACATION LEAVE

3.301 - All uniformed members of the Highway Patrol are allowed vacation leave as prescribed by SDCL 3-6C-4 and the South Dakota Bureau of Human Resources.

3.302 - Every uniformed member who has been employed by the State of South Dakota for less than fifteen (15) years, shall earn fifteen (15) working days' vacation time for each full year of employment. Every employee of the State of South Dakota, who has been employed by the State of South Dakota for fifteen (15) years or more, shall receive twenty (20) working days of vacation time for each full year of employment. New uniformed members are eligible to take vacation leave after six months of employment.

3.303 - Vacation leave shall be accrued on a bi-weekly basis at a rate specified by the Bureau of Human Resources. A maximum of 240 hours of annual leave may be accumulated for uniformed members with less than 15 years of service. A maximum of 320 hours of annual leave may be accumulated for uniformed members with more than 15 years of service.

3.304 - No advance leave of absence for vacation with pay may be granted at any time.

3.305 - A uniformed member of the Division who retires or voluntarily resigns shall have the option of terminating their employment at the end of their accrued vacation period or receiving a lump-sum payment for the unused vacation time which has accrued as of their final day on payroll. However, in the event of death of a uniformed member, payment for such accumulated leave for vacation time shall be paid as provided under provisions of SDCL 3-8-8 through 3-8-11, inclusive.

3.306 - A uniformed member of the Division who is terminated for cause by the Division shall receive a lump-sum payment for the unused vacation time which has accrued as of their final working day. Such payment will be made a part of their final check.

3.307 - Normally, vacation leave requests will be received far enough in advance of the dates requested so as to allow time for approval before the uniformed member takes leave.

3.308 - Uniformed members of the Division are not limited in the number of leave requests they may submit each year. However, supervisors are responsible for maintaining adequate coverage during each workday.

3.309 - Vacation leave requests will be submitted through the State of South Dakota Time Keeping System (TKS) to the uniformed member's immediate supervisor. The supervisor shall have the authority to approve or disapprove the request for vacation leave in accordance to the directives of the District or Division.

3.4 - SICK LEAVE

3.401 - All uniformed members of the Division are entitled to leave of absence for sickness, without loss of pay, as prescribed by SDCL 3-6C-7 and the regulations of the South Dakota Bureau of Human Resources.

3.402 - Each uniformed member of the Division is entitled to fourteen (14) days leave of absence for sickness, without loss of pay, for each year they are employed by the State.

3.403 - Leave of absence for sickness shall be accrued on a bi-monthly basis at a rate specified by the Bureau of Human Resources. A uniformed member may accumulate an unlimited amount of sick leave.

3.404 - No uniformed member of the Division shall be entitled to more than their accrued

leave of absence for sickness, nor shall they be entitled to advanced leave for sickness without first using any and all of their accumulated, earned vacation leave.

3.405 - Advanced leave of absence for sickness not to exceed twenty-eight (28) days, may be requested by a uniformed member with at least one continuous year of employment, providing all other forms of leave have been exhausted.

3.406 - Leave of absence for sickness may be granted for illness, injury, or exposure to a contagious disease that would endanger the health of other uniformed members of the Highway Patrol, required eye and dental care, required medical examinations, or inpatient or outpatient treatment in approved centers for alcohol, drug abuse, psychiatric or counseling care.

3.407 - The Commissioner of Human Resources may require a medical certificate on any leave of absence for sickness taken. Any leave of absence for sickness used for purposes other than specified by rule shall be counted as leave without pay.

3.408 - A uniformed member of the Division will notify, or cause to be notified, their immediate supervisor of any illness or injury causing their absence from duty. The supervisor shall be responsible for notifying the District office.

3.409 - The Superintendent of the Highway Patrol may require any uniformed member seeking to return to full duty status, and who has suffered an injury or illness on-duty or off-duty, to provide a medical statement from their doctor regarding the physical and mental ability to perform any and all tasks or duties which would be assigned. In the event a question arises as to the meaning or validity of such medical statement, the Superintendent may require an examination by a physician of their choosing. The expense of such examination will be the responsibility of the Division.

3.410 - In cases of minor injury or illness, no return to duty form will be required when it is obvious that full recovery has occurred. A form, signed by a physician, will be required from any uniformed member who was instructed by a physician to take any period of time off for rehabilitation from injury or recuperation from illness. The Superintendent may, pursuant to section 3.409 of the 'Return to Work' procedure of the South Dakota Highway Patrol Operations Manual, request an officer be examined by a physician for the purpose of determining the officer's ability to perform assigned or required duties.

3.411 - A uniformed member of the Highway Patrol, who retires or voluntarily resigns, who has not had a break in service in the past seven (7) years shall receive payment for one-fourth of his unused sick leave balance as of their final day on payroll. Payment shall not exceed 480 hours. In the event of a uniformed member's death, payment for such

accumulated leave of absence for sickness shall be paid as provided under provisions of SDCL 3-8-8 to 3-8-11, inclusive.

3.5 - PERSONAL LEAVE

3.501 - All uniformed members of the Highway Patrol are entitled to use personal leave, without loss of pay, as prescribed by SDCL 3-6C-7 and the regulations of the South Dakota Bureau of Human Resources.

3.502 - A uniformed member may use forty (40) hours of their accumulated sick leave annually for personal leave. The use of personal leave may be granted due to a death in the immediate family, temporary care of members of the immediate family; or to military reserve or National Guard members called to state active duty.

3.503 - For purposes of Article 3, "immediate family" shall be defined as, the uniformed member's spouse, children, mother, father, mother-in-law, father-in-law, daughter-in-law, son-in-law, brothers, sisters, grandparents, grandchildren, stepchildren, and stepparents. Personal leave is allowed for the qualified care of foster children.

3.504 - Personal leave may not exceed forty hours per calendar year and is not cumulative.

3.505 - Personal leave requests will be submitted through the State of South Dakota Time Keeping System (TKS) to the uniformed member's immediate supervisor. The supervisor shall notify the District of the request. Justification of personal leave shall be provided to the uniformed member's supervisor as soon as practical. Fraudulently requesting personal leave shall result in disciplinary action.

3.6 - FAMILY AND MEDICAL LEAVE

3.601 - All uniformed members of the Highway Patrol are allowed to use family and medical leave as prescribed by the South Dakota Personnel Manual. The use of sick leave must comply with SDCL 3-6C-7.

3.602 - Family and medical leave is available to a uniformed member who has worked for more than twelve (12) months and who has worked 1,250 hours or more. Up to 12 weeks of sick leave, personal leave, vacation leave, leave without pay, or any combination thereof, may be taken per year as family and medical leave.

3.603 - A uniformed member may request family medical leave for the birth or newborn

care of their child; the placement of a child with the uniformed member for adoption or foster care; the need to care for the spouse, child or parent of the uniformed member with a serious health condition; or a uniformed member with a serious health condition; or a member's serious health condition which does not allow the uniformed member to perform the functions of their position.

3.604 - If sick leave is used for any part of family and medical leave, the uniformed member may be required to support the request with a statement from a medical doctor certifying the nature of the serious illness.

3.605 - The twelve month period for determining family and medical leave is calendar year; however, leave for the birth, placement for adoption or foster care of a child, expires at the end of the 12 month period beginning on date of birth or placement.

3.7 - MILITARY LEAVE

3.701 - All uniformed members of the Highway Patrol who are qualified members of the "reserve component of armed forces," or active members of the South Dakota National Guard, are entitled to military leave of absence as prescribed by the South Dakota Personnel Manual.

3.702 - The uniformed member of the ready reserve armed forces of the United States is entitled to military leave not to exceed 15 days in any one calendar year. The uniformed member shall give evidence of military orders to their respective supervisor. The supervisor shall in turn forward those orders to the respective District Commander. The orders shall define the date of departure and possible date of return to duty. Upon return to duty, the uniformed member shall be entitled to all benefits and status specified by the Bureau of Human Resources.

3.703 - Leave requests for annual training will be in memorandum form and submitted to the uniformed member's supervisor sixty (60) days prior to departure. A copy of the military orders covering required service shall be forwarded through the chain of command to Division as soon as they are available to the uniformed member.

3.704 - The respective District Commander or supervisor shall have the discretion to grant or deny any vacation leave or leave of absence before or following military leave.

3.705 - Weekend drills required of uniformed members of the Highway Patrol, who are also members of a reserve component of the armed forces or active members of the South Dakota National Guard, shall be fulfilled on days off.

3.706 - Annual leave may be requested by the uniformed member for extended military assignments and on limited occasion for weekend drills. Requirements governing allowable practices can be found within the Employer Support for the Guard and Reserve (ESGR) and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

3.707 - In cases of emergency, the Superintendent may cancel all days off and recall to duty any uniformed member of the Highway Patrol who is serving in the reserve component of the armed forces or South Dakota National Guard.

3.8 - LEAVE OF ABSENCE WITHOUT PAY

3.801 - The provisions of SDCL 3-6C-4 to 3-6C-9, inclusive, relating to leave of absence for vacation or sick leave, shall not prohibit the taking of leave of absence for vacation or sick leave without pay; providing such leave of absence is authorized and approved by the Highway Patrol, pursuant to rules and regulations of the Bureau of Human Resources.

3.9 - MISCELLANEOUS LEAVE POLICY

3.901 - At any time a uniformed member is out of their area on a day off or under leave status and cannot return because of extreme weather conditions, i.e., blizzards, etc., they shall immediately notify their supervisor. A request for leave on behalf of the uniformed member will then be forwarded to their District Commander, who may grant a leave extension.

3.902 - District strength and needs will be taken into consideration when considering a request for leave or compensatory days.

3.903 - The District command staff members should not request annual leave or compensatory days at the same time. However, the District may petition the Assistant Superintendent to review the leave requests of District command staff taken over the same days and approve or deny the request. Regardless, a minimum of one District staff member shall be on duty each business day. Personal leave is the only exception to this requirement.

3.10 - RETURN TO WORK/LIGHT DUTY PROCEDURES

PURPOSE

The purpose of these procedures is to establish criteria for the temporary return to work assignments for employees of the South Dakota Highway Patrol, who, because of injury or illness, cannot return to regular duty status or are unable to perform the full range of duties of the employee's position, but are able to utilize some of their knowledge, skills and abilities. These procedures will also establish the criteria necessary for an employee to return to full active duty at the conclusion of extended periods of absence as a result of illness or injury.

3.1001 - There being no designated light duty assignments within the state, these procedures shall not be construed as a requirement for the state to create return to work assignments which would not normally exist. Temporarily disabled employees may only be assigned to an available position which their disability allows them to perform. If no appropriate return to work assignment can be found for the employee, the employee will remain on the appropriate leave or work compensation benefits. A temporary return to work assignment may be available as a result of:

- A. An on-the-job injury;
- B. Post-operative convalescence; A non-work related accident or illness.
- C. Pregnancy

3.1002 - The following conditions will be applicable:

- A. The employee shall request the temporary return to work assignment;
- B. Temporary return to work must be approved by the employee's attending physician;
- C. The Highway Patrol may require, at its expense, a second physician opinion;
- D. Employees may be temporarily assigned to any position deemed necessary and appropriate by Division;
- E. The temporary return to work may be full or part-time as determined by the medical limitations;
- F. Appropriate civilian attire will be approved by the District Commander commensurate to the type of work assigned. Wearing of the uniform is not allowed;
- G. Employee's assigned to temporary duty shall not drive marked division vehicles for transportation.
- H. Employees shall carry their duty weapon while on light duty as long as their medical limitations do not prevent them from discharging their weapon as approved by their attending physician.

3.1003 - If an employee's injury or illness prevents the full performance of his or her regular duties, but the employee is able to perform a temporary return to work assignment, documentation must be obtained from the employee's medical provider. Such documentation must indicate the employee's ability to work and the limitations or restrictions as each relates to the performance of tasks in the temporary return to work assignment.

3.1004 - The Highway Patrol may, at any time, require an employee to be examined for fitness for return to full active duty status. This examination would be at the state's expense.

3.1005 - When a temporary return to work assignment is appropriate, the employee's District Commander will coordinate with Division and the other District Commanders to identify work that may be assigned to the employee.

3.1006 - The employee will be compensated at the same pay grade and classification of his or her regular position for the duration of the temporary return to work assignment; to include regular and long form per diem.

3.1007 - The employee will be evaluated jointly by his regularly assigned District and other supervisors responsible for direct supervision of the employee in the temporary return to work assignment.

3.1008 - A temporary return to work assignment must be reviewed by the District Commander every 30 days and adjusted to accommodate changes in the employee's ability to perform assigned functions. Additional medical documentation may be required to support the continuation of a temporary return to work assignment.

3.1009 - Temporary return to work assignments shall not be greater than 90 days in duration. At the conclusion of the 90 day period, the employee shall be reevaluated by their physician, or a physician at the direction of the department, to determine the medical fitness of the employee. The uniformed member shall provide division with a projected date of return to full duty status from the attending physician. Additional return to work assignments may be granted at this time at the discretion of the Superintendent.

3.1010 - The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964 that provides guidelines to employers regarding pregnant employees. Pregnancy is a normal physiological process and as such will not be addressed as a separate sick leave issue. If an employee is made ill due to pregnancy or her physician believes it would be in the employee's best interest to work a modified schedule then the pre-established standards for sick leave or light duty assignments would be applicable.

3.1011 - Prior to returning to full active duty, troopers and motor carrier officers will be required to submit the "South Dakota Highway Patrol, Return to Full Duty, Essential Physical

Functions" request. Motor carrier inspectors will be required to submit the "Motor Carrier Services, Medical Professional Return to Work Authorization" request. These forms must be signed by the officer's attending physician.

South Dakota Highway Patrol
Return to Full Duty
Essential Physical Functions

Dear Doctor _____

Below are the essential physical functions that I, _____, as a State Trooper must be able to perform in order to do my job. I may be required to do any number of them at any given time. Your signature below verifies that I am capable of performing these tasks.

1. Can enter and exit a patrol car under routine and emergency situations; able to sit for extended periods
2. Can hear, comprehend, and respond to police radio transmissions; receive, comprehend normal speech
3. Can read, comprehend, and act on information contained in printed documents.
4. Able to render first aid and perform cardiopulmonary resuscitation.
5. Can stand for extended periods of time.
6. Can run or walk over varied terrain for several minutes.
7. Can apply handcuffs; subdue offenders with an appropriate degree of physical force; Can perform self-defense techniques and restraint holds.
8. Able to lift, carry or drag moderate to heavy objects (excess of 100 pounds); can assist lifting a stretcher into a rescue vehicle. Can change a tire on a passenger vehicle.
9. Able to fire assigned duty weapons. Can wear and use tactical equipment in addition to standard equipment.
10. Can perform multiple tasks simultaneously (i.e., driving while talking on the police radio, running radar, using video recording equipment, etc.).
11. Can perform assigned duties in adverse weather conditions.
12. Prescribed medications do not diminish physical or mental capacities to performed assigned tasks.
13. Able to perform physical testing specified below;

Fitness Category Minimum Requirements
Sit ups in One Minute 30

Pushups in One Minute 25

Vertical Jump In Inches 17

1.5 Mile Run In Minutes and Seconds 15:30

300 Meter Run In Seconds 66

Doctor's Signature _____ Date _____

Officer's Signature _____ Date _____

South Dakota Highway Patrol
Motor Carrier Services
Medical Professional Return to Work Authorization

Due to a medical condition, _____ is currently on leave from duty with the South Dakota Highway Patrol, Motor Carrier Services Program. To insure that he/she can safely return to full duty, please read the duties he/she is required to perform, as described below, and sign this form.

A motor carrier inspector must be able to perform the following duties:

- Ø Issue citations,
- Ø Work outdoors for extended periods of time in all types of weather conditions;
- Ø Climb onto and under loaded and unloaded vehicles of all types to inspect and measure cargo and vehicle equipment;
- Ø Use and manipulate various hand tools;
- Ø Drive a vehicle;
- Ø Read and interpret State and Federal laws and regulations;
- Ø Communicate verbally by personal contact, telephone, and computer;
- Ø Communicate in writing;
- Ø Enter data and information into a computer;
- Ø Ride in a vehicle for extended periods of time;
- Ø Compute numerical data;
- Ø Work varying shifts around the clock;
- Ø Spend nights away from home;
- Ø Lift 75 pounds repeatedly.

I hereby state that _____ is physically capable of safely performing the duties as stated above and can therefore return to full duty.

Physician Date

Inspector Date

3.11 - TROOPER AND SERGEANT OVERTIME

3.1101 - Trooper and sergeant overtime is time worked in excess of 80 hours in a predetermined 14 day work schedule. Hours worked in excess of 80 may be compensated at time and one half. Each work period will begin at 0600 on the first Sunday and end at 0559 hours fourteen (14) days later. On the fourteenth day, hours worked beyond 0600 hours, if a continuation of shift beginning before 0600 hours, will be counted as hours worked in the next schedule. The hours worked past 0600 hours may or may not be paid as overtime, depending upon the hours worked in the new work schedule.

3.1102 - All time in excess of 8 hours per work shift will be reported to the trooper's or sergeant's immediate supervisor.

3.1103 - If a function is initiated near the end of the assigned shift, the uniformed member will complete the assignment. If a shift extension is accrued, the uniformed member will report the shift extension to their supervisor.

3.1104 - Any time worked in excess of eight hours per work shift may be required to be adjusted by a supervisor or may be requested to be adjusted by the trooper or sergeant. This time will be adjusted during the same 14 day work period as accrued.

3.1105 - Special assignments during emergency situations requiring shift extension may be authorized by the Superintendent. All uniformed members, regardless of the hours they have worked in a fourteen (14) day work period, are subject to recall to duty in an emergency situation.

3.1106 - Overtime generally will not be accrued for follow-up investigative work, interviewing of witnesses, report writing, memorandum or letter writing or any other office details that are not urgent in nature.

3.1107 - In most instances, off-duty standby time or on-call status when a uniformed member is required to leave a phone number where they can be reached will not be considered as time worked for shift extension purposes.

3.1108 - Vacation leave and holiday pay during a fourteen (14) day work schedule will not count as time worked when determining overtime pay. Those hours will be paid at the straight hourly rate.

3.1109 - Whenever possible, when a uniformed member is the official complainant in a court case, that day should be scheduled on regular duty time.

3.1110 - Time spent attending court on a regular day off, annual leave or when held before or after a scheduled shift, will be considered as work hours in the 14 day work period accrued, and will be compensated like other work hours. The uniformed member's presence in court must be requested by the Court, the state's attorney or by subpoena.

3.1111 - If travel time and court time exceeds four (4) hours before the start of a shift when falling on a regular day off or annual leave day, the sergeant or trooper will notify their immediate supervisor of the total hours anticipated for the court assignment. The immediate supervisor may require the sergeant or trooper to complete an eight (8) hour shift and assign a new day off in lieu of the work day. The immediate supervisor will be responsible for notifying the District office of the schedule change.

3.12 - MOTOR CARRIER INSPECTORS OVERTIME

3.1201 - Motor carrier inspectors and officers' overtime is time worked in excess of forty hours in a predetermined seven day work schedule. Time worked in excess of forty hours may be compensated at time and one half. Each work period will begin at 0001 hours on the first Sunday and end at 2400 hours seven days later. On the seventh day, hours worked beyond 2400 hours will be counted as hours worked in the next schedule. The hours worked past 2400 hours may or may not be paid as overtime, depending upon the hours worked in the new work schedule.

3.1202 - All time in excess of the regularly scheduled work shift will be reported to the inspector's immediate supervisor.

3.1203 - If a function is initiated near the end of the assigned shift, the inspector will complete the assignment. If a shift extension is accrued, the inspector will report the shift extension to their supervisor.

3.1204 - Any time worked in excess of the scheduled work shift may be required to be adjusted by a supervisor or may be requested to be adjusted by the inspector. This time will be adjusted during the same 7 day work week as accrued.

3.1205 - Special assignments during emergency situations requiring shift extension may be authorized by the Superintendent. All inspectors, regardless of the hours they have worked in a seven (7) day work week, are subject to recall to duty in an emergency situation.

3.1206 - Overtime generally will not be accrued for follow-up investigative work, interviewing of witnesses, report writing, memorandum or letter writing or any other office details that are not urgent in nature.

3.1207 - In most instances, off-duty standby time or on-call status when an inspector is required to leave a phone number where they can be reached will not be considered as time worked for shift extension purposes.

3.1208 - Vacation leave and holiday pay during a seven (7) day work schedule will not count as time worked when determining overtime pay. Those hours will be paid at the straight hourly rate.

3.1209 - Whenever possible, when an inspector is the official complainant in a court case, that day should be scheduled on regular duty time.

3.1210 - Time spent attending court on a regular day off, annual leave or when held before or after a scheduled shift, will be considered as work hours in the 7 day work week accrued, and will be compensated like other work hours. The inspector's presence in court must be requested by the Court, the state's attorney or by subpoena.

3.1211 - If travel time and court time exceeds four (4) hours before the start of a shift when falling on a regular day off or annual leave day, the inspector will notify their immediate supervisor of the total hours anticipated for the court assignment. The immediate supervisor may require the inspector to complete a regular work shift and assign a new day off in lieu of the work day. The immediate supervisor will be responsible for notifying the District office of the schedule change.

3.13 - RECRUIT OVERTIME

3.1301 - The work period for recruit troopers in the academy or in field training will be twenty-eight days. Hours worked between 160 and 171 hours will be compensated at the

straight hourly rate. Hours in excess of 171 will be compensated at one and one half the hourly rate.

3.14- HOLIDAYS

3.1401 - LEGAL HOLIDAYS

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- A large, semi-transparent watermark of the South Dakota Highway Patrol logo is centered on the page. The logo is an inverted triangle with a yellow border. Inside, the words "SOUTH DAKOTA" are at the top in yellow, "HIGHWAY PATROL" is in the middle in yellow, and there is a graphic of the Mount Rushmore faces and a star with a crescent moon at the bottom.
1. New Year's Day - January 1st
 2. Martin Luther King Day - Third Monday in January
 3. President's Day - Third Monday in February
 4. Memorial Day - Last Monday in May
 5. Independence Day - July 4th
 6. Labor Day - First Monday in September
 7. Native American Day - Second Monday in October
 8. Veterans Day - November 11th
 9. Thanksgiving Day - Fourth Thursday in November
 10. Christmas Day - December 25th

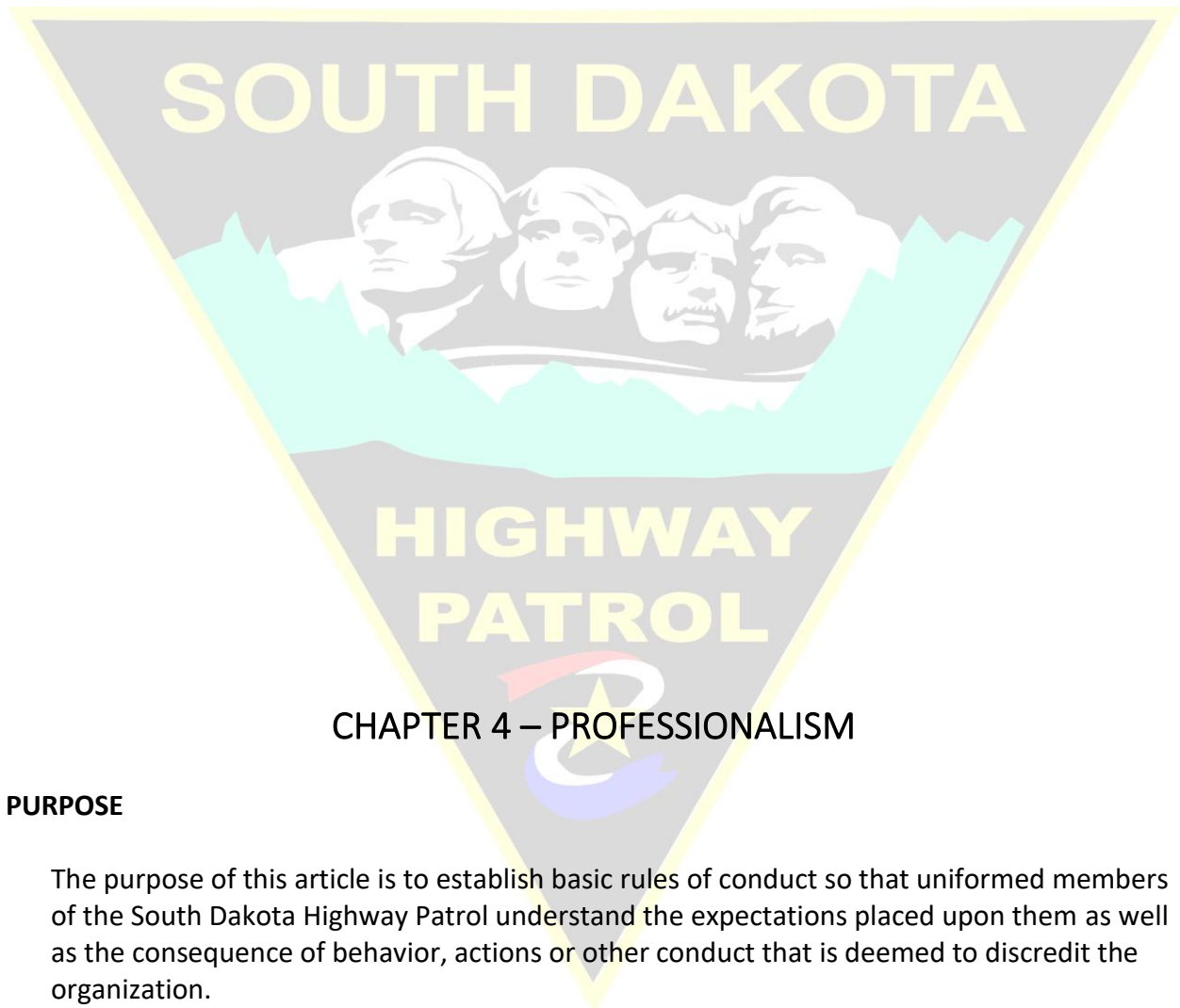
3.1402 - On Memorial Day, Independence Day, and Labor Day holidays, Districts will maintain as near as 100% strength as possible. On the remaining holidays, Districts should maintain adequate manpower to handle the expected increase in traffic volume.

3.15 - INCONVENIENCE PAY

3.1501 - Non salary uniform members will be eligible for inconvenience pay. Inconvenience pay will be paid when an eligible member is unexpectedly required to return to work prior to the start of the next regular shift is guaranteed a minimum of three hours pay regardless of the hours actually worked according to Administrative Rule 55:09:05:03.

3.16 - SHIFT DIFFERENTIAL

3.1601 - Additional compensation will be provided to hourly, full time sworn Division members and motor carrier inspectors for actual hours worked from 1800 to 0600 Monday through Sunday.



CHAPTER 4 – PROFESSIONALISM

PURPOSE

The purpose of this article is to establish basic rules of conduct so that uniformed members of the South Dakota Highway Patrol understand the expectations placed upon them as well as the consequence of behavior, actions or other conduct that is deemed to discredit the organization.

POLICY

In order for the Highway Patrol to maintain the public's trust, it is necessary that internal discipline be maintained at the highest level. All uniformed members of the Highway Patrol shall abide by the South Dakota Highway Patrol Code of Ethics in the preamble of this

manual. Any conduct, act, neglect, or omission causing discredit or embarrassment to the Division or to its uniformed members, while on- or off-duty, is subject to disciplinary action as set forth in the Law Enforcement Civil Service and Career Service Regulations.

In all cases of outside employment, the primary duty, obligation and responsibility of the uniformed member will be, at all times, to the South Dakota Highway Patrol. The nature of law enforcement requires uniformed members to work irregular duty schedules, and certain occupations inherently conflict with an employee's primary responsibility to the South Dakota Highway Patrol. The Division may impose restrictions on an outside employment request. Any violation of the rules and regulations of the Division, may subject a uniformed member to disciplinary action. Ignorance of a rule, regulation directive, order, or policy of the Division is not considered a justification for any violation.

4.1 - UNBECOMING CONDUCT

4.101 - Uniformed members shall conduct themselves at all times, both on- and off-duty, in a manner that reflects favorably on the Division. Conduct unbecoming to an officer means conduct contrary to professional standards that shows an unfitness to discharge duties or conduct which adversely affects morale or efficiency of force or diminishes public confidence.

4.2 - INSUBORDINATION

4.201 - Uniformed members shall promptly obey any lawful order of a superior officer. This will include any order relayed from a superior officer to a uniformed member through an officer of the same or lessor rank.

4.3 - UNLAWFUL ORDERS

4.301 - No supervisor shall knowingly issue any order, which is in violation of any law, ordinance or administrative rule. Uniformed members may refuse to obey orders which they know to be contrary to law or to Division rules, regulations or policies. In all other cases, uniformed members must first obey the order to the best of their ability and may, at the first opportunity, make a report in writing, appealing the order to the Superintendent. Any refusal to obey an order shall be immediately documented by the uniformed member and the field supervisor and forwarded to Division Headquarters.

4.4 - INCOMPETENCE

4.401 - Uniformed members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their position. They must perform their duties in a manner, which will establish and maintain high standards of efficiency in carrying out the functions and goals of the Division. No uniformed member will manifest cowardice, feign illness, or otherwise attempt to shirk their official duties.

4.5 - CRITICISM

4.501 - Uniformed members will not publicly criticize or ridicule the Division, other uniformed members or other public officials by means of speech, writing, or other expressions which are defamatory, obscene, unlawful, or false. No uniformed member will interfere, or attempt to interfere, with the operation of the Highway Patrol or any discipline administered by the Division.

4.6 - ANTI-HARASSMENT/DISCRIMINATION POLICY

4.601 - The South Dakota Highway Patrol will not tolerate harassment, discrimination or offensive behavior based on race, color, religion, national origin, sex (including pregnancy), age, genetic information, disability or any other legally protected status or characteristic.
<http://www.bhr.sd.gov/forms/policies/default.aspx#harassment>

4.7 - SEXUAL MISCONDUCT

4.701 - Sexual activity of any nature while on duty is prohibited.

4.702 - Sexual misconduct is prohibited and shall be disciplined up to and including termination.

4.703 - Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person while on duty is prohibited.

4.704 - An officer shall not engage in sexual contact with another person who is in custody and such officer has supervisory or disciplinary authority over such other person.

4.705 - All sworn officers shall receive specific training about the elements of sexual misconduct involving law enforcement officers. The training will also include all elements of this policy.

4.706 - Any employee, who is made aware of any violation of this policy, is required to report the violation to their supervisor. The supervisor will immediately report this to the District Commander who will immediately initiate an investigation in accordance with the established investigative policy. The accused officer's supervisor will not attempt to resolve a complaint of this nature with the complainant, and is required to make immediate contact with their supervisor.

4.707 - Any officer found to be in violation of the provisions of the policy shall be disciplined up to and including termination and criminal charges where established.

4.708 - Any employee having knowledge of a violation of this policy, who fails to report said violation shall also be disciplined up to and including dismissal and criminal charges if appropriate. If the violation involves supervisory personnel, the reporting officer will notify the appropriate command level officer and will not be strictly held to his or her chain of command.

4.709 - If employees engage in intimate, romantic, or sexual relationships that create a conflict of interest or adversely impact efficiency or effectiveness in the workplace, or create an intimidating, hostile, or offensive work environment, either or both employees may be reassigned to another position for which they are qualified and be subject to disciplinary action.

4.710 - Engaging in intimate, romantic, or sexual relationships with a subordinate creates numerous conflicts of interest and adversely impacts the workplace.

4.711 - Supervisors, managers, and command staff who engage in intimate, romantic or sexual relationships with a subordinate will be subject to disciplinary action and may be subject to other corrective measures in addition to being reassigned.

4.712 - For new employees in training, the policy is that staff and instructors will maintain a professional relationship with new employees at all times. Training staff who engage in intimate, romantic or sexual relationships with trainees will be subject to disciplinary action and maybe subject to other corrective measures in addition to being reassigned.

4.8 - USE OF PRESCRIPTION, NON-PRESCRIPTION, OR ILLICIT DRUGS AND ALCOHOL

4.801 - All uniformed members are prohibited from consuming any intoxicating liquor while on-duty or in uniform, and are prohibited from using controlled substances, narcotic drugs, hallucinogens, or marijuana at any time. Uniformed members shall not have any detectable amount of alcohol in their system upon reporting for duty or while operating a division

owned vehicle. This does not prevent a member from taking a medical prescription or any other medication while on- or off-duty providing it does not adversely affect their ability to perform their job.

4.802 - Uniformed members using drugs or therapeutic treatments prescribed by a physician or other authorized health practitioner shall determine from the prescribing person whether the treatment prescribed has any side effects which may interfere with the performance of their duties. If the treatment prescribed has such effects, employees shall inform their supervisor of that fact.

4.803 - Any uniformed member using legal, over-the-counter, non-prescribed drugs which in any way impair or affect their job performance are responsible for bringing this fact to the attention of their immediate supervisor.

A. The supervisor, upon being so informed, shall make further inquiries to determine whether the employee is fit to perform their duties; and

B. The supervisor will then consult with the District Commander and, if it is determined that the employee is not fit for full or limited duty shall place them on sick leave.

4.804 - Division members shall inform a supervisor if they have knowledge that another employee is using illicit drugs or alcohol in violation of the law or Division policies.

4.805 - If any employee actually ingests any drug in the performance of their duties, the supervisor on duty will be immediately notified and the incident reported in the same manner as blood borne pathogens exposure as outlined in Article 2.1802 through 2.1807. Every effort should be made to avoid such ingestion. Unless the employees' lives are endangered, they will refrain from the consumption, ingestion, injection, or inhalation of any substance, which may be either physically or mentally dangerous to employees.

4.806 - Employees subjected to the passive inhalation of a drug (e.g., marijuana) shall inform their supervisor. The written notification will indicate the substance the individual was exposed to, the period of exposure, and will include a brief statement explaining the necessity for exposure. The report will be forwarded to the Superintendent, who will review the documentation and determine if further action is required.

4.9 - CRIMINAL OR CIVIL ACTIONS

4.901 - Every uniformed member, upon learning they are, or may become, a defendant in a

criminal or civil action will immediately report this information to Division through the chain of command.

4.10 - CONFIDENTIAL INFORMATION

4.1001 - All background investigations, intelligence reports, tactical plans, criminal records and internal investigation reports are confidential. No Division member will disclose such information to anyone outside of the organization unless authorized by statute or the Superintendent. Any information coming to the attention of a member which may bring discredit upon the Division or any of its members, shall be brought to the attention of the Superintendent through the chain of command.

4.11 - CARE AND MAINTENANCE OF DIVISION PROPERTY

4.1101 - All members shall maintain in good condition all property and equipment assigned to them. Each member shall immediately report any loss, defect, or damage of Division property to their immediate supervisor. In cases where state property is found bearing evidence of damage which has not been reported, the last person using the property or equipment may be held responsible for the damage.

4.12 - COMMERCIAL TESTIMONIALS

4.1201 - Uniformed members shall not permit their names or photographs to be used in any commercial testimonials, which allude to their position with the Division or the State of South Dakota, unless approved by the Superintendent.

4.1202 - Uniformed members shall not recommend or suggest in any manner, the employment or procurement of a particular product, professional or commercial service, unless in the transaction of personal business.

4.13 - CONTRACTUAL AGREEMENTS

4.1301 - No uniformed member may enter into any contractual agreement that involves the Division's name, logo, badge, or shoulder patch without prior written consent of the Superintendent.

4.1302 - No uniformed member of the Division shall reproduce, manufacture, or distribute any material associated with the Division, without prior consent of the Superintendent.

4.14 - COURTESY

4.1401 - Uniformed members shall be courteous to all citizens. They shall be tactful in the performance of their duties, exercising patience and discretion at all times, and not engage in argumentative discussions. Members shall not use coarse, violent, profane, or insolent language or gestures; nor shall they express any prejudice concerning race, religion, politics, lifestyle or similar personal characteristics.

4.1402 - REQUEST FOR EMPLOYEE IDENTIFICATION

Every uniformed member shall furnish their name and their administrative (HP/MC) number to any person requesting such information.

4.1403 - NATIONAL ANTHEM AND COLORS

Uniformed members, when in uniform, shall recognize the national colors as they pass in public, parades, ceremonies, and other occasions, or when carried into any building, room, or place where the officer is present.

All uniformed members shall, whenever the national anthem is played, stand at attention facing towards the national flag when it is present.

Proper decorum will be dictated by the uniformed member's assignment. Generally, while indoors, a uniformed member wearing a cover shall face the flag and salute. If the cover has been removed, officers shall stand at attention and place their right hand over the heart. Uniformed members shall either salute or place the hand over the heart at the first note and retain the position until the last note of the anthem is played. Uniformed members shall remain at the position of attention until the national colors have passed or have been posted.

4.1404 - RANKING OFFICERS

A ranking officer's title will be used when being addressed or referred to by another member.

4.15 - GRATUITIES

4.1501 - No uniformed member, whether on- or off-duty, will show their badge or credentials or exert their official position for the purpose of gaining personal favors or privileges, or for the purposes of warding off the consequences of any illegal acts performed.

4.1502 - No uniformed member will solicit free or reduced price meals or beverages from any food establishment.

4.1503 - No compensation, reward, or other consideration from private sources will be solicited or accepted by a uniformed member without approval of the Superintendent.

4.16 - POLITICAL AND ORGANIZATION PARTICIPATION

4.1601 - Uniformed members may take an active part or participate in political management or in political campaigns except while on- duty. Uniformed members may hold political office that does not interfere with the normal performance of their job responsibilities. Uniformed members, whose duties or activities are financed in whole or in part by federal funds, are restricted from partisan political activity as stipulated by the Hatch Act (5 U.S.C. §§ 1801-1808).

4.1602 - No uniformed member will become or remain a member of any organization if the Superintendent deems such membership detrimental to the South Dakota Highway Patrol or to the security or well-being of the State of South Dakota or the United States of America.

4.1603 - Uniformed members may also participate in activities of a non-partisan type not specifically identified with a national or state political party.

4.1604 - Uniformed members may act or participate as officers on certain commissions, boards, and associations, as approved by the Superintendent. Uniformed members may accept elective offices in the South Dakota Peace Officers Association, Fraternal Order of Police, South Dakota Highway Patrol Association, South Dakota Retirement Board, and the South Dakota State Employee's Organization.

4.1605 - Uniformed members are allowed to attend meetings of approved commissions, boards, and associations on their off-duty time only. They shall provide their own transportation and will not collect any expense reimbursement from the Division while

attending meetings. Some exceptions to this section may be allowed for attendance at the meetings described in 4.1604 with prior approval of the superintendent.

4.17 - SECONDARY EMPLOYMENT

4.1701 - Uniformed members may engage in secondary employment providing the activity complies with this policy and the requirements set forth in the Civil Service Regulations, Sections 55:10:01:07.

4.1702 - The following are examples of secondary employment, which may represent a conflict of interest. Any question regarding secondary employment should be directed up the chain of command.

- A. Employment as a bouncer, bartender or security guard by a business where alcoholic beverages are sold.
- B. Employment in the private investigation business.
- C. Employment in connection with the towing of vehicles.
- D. Employment as process servers.
- E. Employment as a bill collector for any credit or collection agency.
- F. Employment with any company, corporation, organization or individual recognized as participating in disreputable business activities.
- G. While on sick leave or light duty unless granted by the Superintendent.

The above list of examples is to provide uniformed members with some guidance and is not intended to be all-inclusive. All applications for secondary employment will be reviewed individually. Uniformed members are cautioned that the absence of a type of employment from the above list does not render such employment acceptable. The Division is particularly sensitive to requests for secondary employment, which involves solicitation or other employment, which would degrade the dignity of the organization.

Uniformed members may be employed as security for businesses or events, which will not cause embarrassment for the member or the organization. Uniformed members may accompany other law enforcement agencies while transporting prisoners. When engaging in these functions, uniformed members should be under contract to the off-duty employer,

which requires the off-duty employer to assume full liability and benefit protection for the duration of the employment.

4.1703 - The following general restrictions shall apply to secondary employment:

A. Uniformed members applying for or while engaged in secondary employment shall maintain an acceptable work performance rating.

B. Uniformed members engaging in secondary employment shall not represent themselves as being employees or representatives of the Division. The wearing of the uniform of the South Dakota Highway Patrol, either totally or any part thereof, or utilization of any state-owned equipment, is prohibited.

C. Uniformed members engaged in secondary employment activities, which may be indirectly connected to the highway patrol, shall follow the normal standards of grooming and conduct themselves in a manner consistent with the general guidelines established for the department. These activities would include, but are not limited to, such employment as an instructor for a police academy or Law Enforcement Training.

D. Uniformed members employed by Law Enforcement Training as an instructor while in an off-duty status, shall complete a secondary employment request.

E. Uniformed members shall not engage in any activity relating to their secondary employment while on-duty.

F. Uniformed members involved in secondary employment may do so prior to or after the completion of a regularly scheduled shift on a duty day. However, the member shall report for their next shift as required by previous order or schedule and they will be physically and mentally fit to perform all duties assigned.

G. Uniformed members shall be available for emergency calls on duty days.

4.1704 - All uniformed members shall comply with the following procedures for requesting approval to engage in secondary employment.

To request approval to engage in secondary employment, a uniformed member shall complete FORM HP708 - REQUEST TO ENGAGE IN SECONDARY EMPLOYMENT.

A. The approval request form shall be forwarded to Division through the established chain of command.

B. The District Commander shall recommend approval or disapproval of the request. The District Commander may recommend conditions for approval. The conditions shall be listed in the "comments" section of the request form.

C. The District Commander shall forward the request form, including recommendations for approval, disapproval or special conditions to the Superintendent.

D. The Superintendent or their designee, upon receipt of the request form, will either grant approval, grant approval with conditions, or deny approval. If approval is granted with conditions, they will be specified on the request form. Failure to comply with any conditions imposed may result in immediate withdrawal of the request to engage in secondary employment.

E. Secondary employment will not be engaged in until final authorization has been received from the Superintendent.

F. Renewal of secondary employment requests shall be reviewed by the District Commander. This shall be accomplished prior to July 1 of each year and entered in the electronic database.

G. Secondary employment requests are not required for qualified members of the reserved component of armed forces or active members of the National Guard.

4.1705 - If at any time there is a significant change in the employment information contained on the approved REQUEST TO ENGAGE IN SECONDARY EMPLOYMENT FORM, or the secondary employment has been discontinued, the uniformed member shall immediately notify their District Commander in writing.

A. The District Commander shall forward this information to the Superintendent or their designee.

B. Based upon the information received, the Superintendent may rescind their prior approval.

4.18 - BIAS-BASED POLICING

Applicable Legal References

42 U.S.C. Section 11111 Violent Crime Control and Law Enforcement Act of 1994

42 U.S.C. Section 3789d (c) (3) The Omnibus Crime Control and Safe Streets Act of 1968

South Dakota State Constitution

4.1801 - The Constitution of the United States guarantees to all the right to equal protection under the law. The department recognizes that discriminatory law enforcement practices not only violate that right, but also are inherently unfair, undermine the confidence of those we serve, and diminish the quality of life in our community. The ethics of law enforcement require that we be guided by principles of honesty and fairness; that we provide equal protection under the law to all people; that we do not discriminate on the bases of race, creed, color, sex, age, national origin, lifestyle, or other personal bias; and that we act without regard to personal preference or influence. Therefore, discriminatory or bias-based actions in an official capacity cannot be tolerated.

4.1802 - The Constitution of the United States also guarantees to all the right to be free from unreasonable search and seizures. The department recognizes this includes the right of citizens to walk, drive, and be on the streets, highways, and other public places without police interference so long as they obey the law. It would be an egregious violation of this fundamental right if an individual were to be stopped, detained, searched, questioned, or arrested solely on the basis of that person's race, gender, national origin, creed, ethnicity, age, disability, or sexual orientation.

4.1803 - All members must base their enforcement actions on the appropriate standard of proof that is required by law. The minimum standard for stopping and detaining any person is articulable, reasonable suspicion that the person has committed, is committing, or is about to commit a violation of the law. Once lawful enforcement action is completed, no person shall be detained beyond the point where articulable, reasonable suspicion of criminal activity no longer exists.

4.1804 - This policy shall not prohibit, as part of a criminal investigation, the use of an individual's race, nationality, ethnicity, gender, sexual orientation, disability, religion, or any combination of such factors as a part of a specific description of a suspect, witness, or victim.

4.1805 - Any employee who believes there is, or is made aware of, any violation of this policy will immediately contact his/her supervisor.

4.19 - INVESTIGATION OF PERSONNEL COMPLAINTS

4.1901 - The South Dakota Highway Patrol will investigate all complaints of professional

misconduct alleged on all uniformed members of the department. It will be the goal of these investigations to establish whether the allegations are valid and determine what, if any, disciplinary actions are necessary.

4.1902 - Supervisory Role in Maintaining Department Professionalism

A. The primary responsibility for maintaining and reinforcing member's conformance with the standards of conduct of this department shall be with the uniformed member's first line supervisor.

B. Supervisors shall establish a rapport with all of their subordinates. They shall work with their subordinates and closely observe their general conduct and appearance frequently.

C. Supervisors should remain alert for indications of behavioral problems or changes that may affect a member's job performance. Such information should be documented by the supervisor.

D. Where a supervisor perceives that a member may have a problem or is the cause of a problem affecting their public role as a member of the South Dakota Highway Patrol, the supervisor should assess the situation and determine the most appropriate action. When determining action the supervisor shall first take into consideration the effect on the department. Second the supervisor shall take into consideration the effect on the member(s) of the department.

1. A supervisor may recommend additional training to reinforce or refresh the member's skills.

2. A supervisor may counsel an employee to determine the extent of any personal or job related problem(s) that may be affecting performance and to offer assistance and guidance. A supervisor may also use this approach to discuss minor and infrequent policy, procedural or rule violations.

3. The supervisor shall document all instances of counseling or additional training used to modify a member's behavior.

4.1903 - All citizen complaints pertaining to department policies or procedures or that alleges a member's misconduct shall be documented and investigated by the department.

A. All complaints alleged on a member and the corresponding documentation will be maintained in the RMS under the Disciplinary Actions Module.

B. Complaints may be received in person, telephone, e-mail or in writing.

C. Citizens who wish to have their names held in confidence may anonymously file a complaint for investigation.

4.1904 - Citizen complaints may be accepted by any member of the department. It will be that member's responsibility to refer the complaint to a supervisor.

A. The supervisor shall document the complaint and promptly forward the information to the District Commander.

B. A supervisor may attempt to resolve a complaint through review of department policy, procedures or rules as applicable. These attempts at resolution shall be documented and forwarded to the District Commander

C. Upon receipt of a complaint, the District Commander or their designee shall contact the complainant and discuss their complaint, the investigation and in course the final disposition of the complaint.

4.1905 Supervisor's Investigation

A. Upon learning of possible misconduct by a member under the first line supervisor's chain of command, they will immediately notify their supervisor before beginning an investigation of the allegation(

B. When a complaint is received, the first line supervisor should determine if the issue is related to aspects of law connected to department policies and procedures or the conduct of the department member. If the first line supervisor determines the complaint is not based on the possibility of misconduct, they may attempt to resolve the complaint prior to filing a report. Attempts to resolve complaints of this nature shall be noted in a report to the District Commander.

C. The first line supervisor shall be limited to questioning the member, witnesses, and complainants, and securing all relevant evidence.

D. Upon completion of the investigation, the first line supervisor shall forward to the District Commander, through appropriate channels:

1. A report of the alleged violation(s).

2. All documents and evidence relating to the investigation.

3. Recommendations for further investigation or other disposition of the case.

4.1906 - Role of the District Commander

A. Upon receipt of a complaint regarding serious professional misconduct that could result in termination of employment, suspension, demotion, or criminal charges being filed, the District Commander shall contact the assistant superintendent and make a determination whether or not the Professional Standards Division or outside agency will conduct the investigation. If it is determined that the case will not be investigated by the Professional Standards Division or outside agency, the District Commander shall assume primary investigative responsibility for the case or refer it to the appropriate supervisor.

Allegations of minor rules infractions may be investigated by the appropriate supervisor at the discretion of the District Commander.

B. The District Commander shall have the responsibilities of putting complaint information into the RMS under the Disciplinary Actions Module, and conducting regular audits to ascertain training needs or for update needs within department policy.

4.1907 - Uniformed Member's Duties and Rights during Complaint Investigations.

A. Prior to an internal interview concerning allegations of administrative violations, the uniformed member under investigation shall be advised of certain rights and information.

B. Prior to an internal interview concerning alleged criminal misconduct, the uniformed member shall be read the provisions under Miranda and advised of their rights under Garrity v. New Jersey. These provisions shall be adhered to throughout the interview. Miranda v. Arizona is only applicable when the officer is suspected of a crime and is under custodial interrogation or been deprived of his freedom of movement in a significant way. Garrity is only for administrative investigations where there might be a companion criminal potential.

1. The uniformed member can be required to answer all questions specifically, narrowly, and directly related to the performance of their duties.

2. Refusal to comply with an order to answer such questions is a violation of policy, which may subject the uniformed member to further discipline to include dismissal.

3. Any required self-incriminatory admission made during the interview may only be used in subsequent administrative proceedings and shall not be used against the uniformed member in subsequent criminal proceedings.

4.1908 - Uniformed members may have legal representatives present where the interview focuses on, or may lead to, evidence of potential criminal activity by the uniformed member. Counsel may be present any time criminal proceedings have been commenced by information or indictment.

A. Examinations

1. An officer under investigation may request an intoximeter, blood, urine, psychological, polygraph or medical examination if it is believed that such an examination would be beneficial to the defense. These types of examinations may be required at the direction of the Superintendent or Assistant Superintendent.

2. An on-duty supervisor is required to direct a uniform member to submit to a breath, blood, or urine test when a level of inebriation or drug usage is suspected as the factor directly related to duty performance or operating a department vehicle.

3. Property belonging to the Division of the Highway Patrol is subject to inspection where the supervisor has a reasonable suspicion that evidence of work-related misconduct will be found therein. Property includes, but is not limited to, vehicles, desks, files, electronic devices and storage lockers.

4.1909 - Rights of the uniformed member during an internal investigation

A. Prior to any interview, the uniform member under investigation will receive confidential written or verbal notification of the complaint. This notification will define the original complaint or summarize a listing of the relevant facts and the uniform member's rights and responsibilities during the investigation.

B. All interviews will be conducted while the uniform member is on duty, unless the seriousness of the investigation is such that an immediate interview is required.

C. Uniformed members will be informed of their rights and protections under Garrity v. New Jersey and understand they must announce that they want the protections under the Garrity decision.

D. Uniformed members under investigation shall not be subjected to offensive language, nor threatened with transfer, dismissal, or disciplinary action during an interview. No

promise or reward shall be made by the investigating supervisor as an inducement to answer any questions.

E. The complete interview shall be recorded whenever conducted by the District Commander or designee. Any interruptions will be noted, and any relevant discussions transpiring during breaks will be summarized on the recording and verified for accuracy by the uniformed member making the recording.

F. The accused uniformed member will be given an opportunity to explain their actions prior to imposition of any disciplinary actions.

4.1910 - District Actions

A. The District Commander shall review each supervisory report concerning an allegation or violation of policy, rule or law and make a determination if further investigation is necessary.

B. After completion of the investigation, the District Commander shall forward a full report stating recommendations for disposition of the investigation to the Superintendent.

C. Internal investigations should be completed within thirty-days. Any intended disciplinary action shall be initiated within thirty-days after the Superintendent receives the report from the District.

D. Time constraints shall not preclude further investigation and disciplinary action based on additional investigation. This does not preclude subsequent disciplinary action based on a pattern or the cumulative effect of conduct.

4.1911 - Superintendent's Actions

A. The Superintendent shall review each supervisory report concerning allegations of violations of policy, rule or law that are submitted by District Commanders.

B. After reviewing the report, the Superintendent may ask for additional investigation by the District Commander.

C. The Superintendent, when satisfied that an investigation is complete will give final approval and disposition for the case. Dispositions shall include the following.

1. Founded: Evidence sufficient to prove allegations.

2. Unfounded: Allegation is false or not factual.

D. Upon final approval the Superintendent shall return the disciplinary recommendation to the District Commander for service and execution of the decision.

4.1912 - Discipline Without Charges and Specifications

A. A supervisor may verbally reprimand an employee for minor violations.

B. District Commanders or designee may issue a written reprimand for minor violations that would not merit demotion, suspension or termination.

4.1913 - Letter of Disposition

A letter or verbal communication indicating the resolution of all complaints shall be given to the involved member.

4.1914 - Letter of Disciplinary Intent

A. A formal letter of intent to take disciplinary action shall be prepared by a supervisor when the action may result in suspension, demotion, or dismissal. The letter shall follow the steps as set forth by the Administrative Rules of South Dakota.

B. The information in a letter of intent to take disciplinary action will include these points:

1. The specific rule(s) that have been violated.
2. The date(s) and place(s) where the action(s) or omission occurred.
3. A statement of the acts or omissions.
4. The recommended disciplinary action.
5. The member's right to appeal and those procedures.

C. The accused member shall be served the letter of intent to take disciplinary action within the specified time period.

D. The letter of intent to take disciplinary action shall be served personally by a supervisor or registered mail.

E. Right to Appeal

1. A member served with a letter of intent to take disciplinary action may appeal any decision as outlined in the Grievance Procedure as outlined in 2.8 of the Highway Patrol Policy Manual.

4.20 - SOCIAL MEDIA

A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (i.e. Facebook, MySpace), microblogging sites (i.e. Twitter, Nixle), photo- and video-sharing sites (i.e. Flickr, YouTube), wikis (i.e. Wikipedia), blogs, and news sites (i.e. Digg, Reddit).

PURPOSE

The purpose of this directive is to establish policy and procedures for the use, management, administration and oversight of social media. This policy is not meant to address one particular form of social media, rather social media in general, to allow for new tools and future technologies.

POLICY

The Highway Patrol endorses the secure use of the Internet to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The Highway Patrol also recognizes the role that these tools play in the personal lives of some Highway Patrol personnel. The personal use of social media can have bearing on Highway Patrol personnel in their official capacity. As such, this policy provides information and prohibitions on the use of social media by Highway Patrol personnel.

A. ON THE JOB USE

4.2001 - Where possible, each Highway Patrol-created social media page shall include an introductory statement clearly specifying the purpose and scope of the agency's presence on the website.

4.2002 - Where possible, the page(s) should link to the Highway Patrol's official website.

4.2003 - All Highway Patrol related social media sites or pages shall be approved by the Superintendent, or his designee, and shall be administered by the Superintendent's designee.

4.2004 - Job related pages for specific troopers, Districts, squads, or programs within the Highway Patrol must be approved by the Superintendent or his designee. Care must be taken to maintain the integrity of the Highway Patrol.

4.2005 - Where possible, social media pages shall clearly indicate they are maintained by the Highway Patrol and have Highway Patrol contact information prominently displayed.

4.2006 - Social media content shall adhere to applicable laws, regulations, and policies, including all information technology, records management, Highway Patrol, and State policies. No information shall be divulged that would not otherwise be made public via traditional media channels.

4.2007 - Highway Patrol personnel representing the Highway Patrol via social media outlets shall conduct themselves at all times as representatives of the Highway Patrol and adhere to all Highway Patrol standards of conduct. Posting, transmitting or commenting about victims, witnesses, subjects, suspects or arrestees is prohibited. Furthermore, it is prohibited to make statements about the guilt or innocence of any suspect, arrestee or make comments concerning pending prosecutions.

4.2008 - Posting, transmitting, or otherwise disseminating confidential information, including photographs or videos, related to Highway Patrol training, activities, or work-related assignments is prohibited without express written permission from the Superintendent. Highway Patrol personnel will not conduct political activities or private business on Highway Patrol sanctioned social media sites.

4.2009 - Employees of the Highway Patrol shall use state technology at their disposal in an appropriate manner. Reasonable and appropriate personal communications are allowed; however under no circumstances are employees allowed to use the state's technology or equipment to engage in outside business interests, inappropriate, offensive, or illegal activities as defined by state or federal law. Employees should not expect privacy or confidentiality when using state resources. Use common sense and if in doubt, do not use state resources.

The background of the page features a large, semi-transparent watermark of the South Dakota Highway Patrol logo. The logo is an inverted triangle with a yellow border. Inside, the words "SOUTH DAKOTA" are at the top in yellow. Below them are the four faces of Mount Rushmore in white. Underneath the faces is a green silhouette of a mountain range. At the bottom of the triangle, the words "HIGHWAY PATROL" are written in yellow, with a yellow star and a blue swoosh above the word "PATROL".

SOUTH DAKOTA

CHAPTER 5 – UNIFORMS AND ACCESSORIES

PURPOSE

The purpose of this directive is to establish policy and procedures for the uniform, uniform accessories and appearance for uniformed members of the South Dakota Highway Patrol.

POLICY

The South Dakota Highway Patrol has developed guidelines that seek to maintain a high degree of professionalism in the appearance of all Division members.

This policy enhances recognition of members and helps to maintain professionalism through uniformity in personal appearance and grooming. Appearance is an important aspect of image, since other people draw conclusions about the agency and its members from their appearance.

When the applicable uniform for the position is worn, it must portray a neat, clean, and professional image.

5.1 - UNIFORM

5.101 - The Superintendent shall prescribe a distinctive uniform to be worn by uniformed members of the Highway Patrol. The Division will furnish uniforms and necessary accessories. All issued items shall remain the property of the State of South Dakota.

5.102 - Every uniformed member shall, when on-duty, wear the complete prescribed uniform as set forth in the Policy and Procedures Manual, unless otherwise specified by the Superintendent.

5.103 - A complete uniform includes headdress, shirt, trousers, jacket or coat, trouser belt, footwear, tie and tie tack, sidearm, gun belt and attached accessories, and any other equipment or apparel that may be required.

5.104 - The District Commander may, with the concurrence and approval of the Superintendent or Assistant Superintendent, authorize the wearing of civilian clothing by a uniformed member while on- duty. A member so dressed will carry at all times, a division issued sidearm, a badge, handcuffs, extra magazine and identification unless authorized by the Superintendent.

5.105 - No uniformed member will wear the uniform or use any of the state equipment furnished to them while they are off-duty unless authorized by the Superintendent. Authorized equipment for off- duty use includes items such as, but not limited to: camera, binoculars, identification and badge, issued sidearm, and semi-automatic rifle. No member may wear or use any state owned equipment while they are under suspension for any cause.

5.106 - All uniformed members shall keep their uniforms clean, pressed, and in a serviceable condition at all times. Shirts will be pressed with military creases. All pockets will be buttoned.

Members shall only wear a white t-shirt or white undershirt under the Class "C" uniform. Members wearing the black BDU uniform shall wear either a black undershirt or black t-shirt.

5.107 - Mixing of uniform garments with civilian attire is prohibited, both on- and off-duty.

5.108 - Footwear approved by Division or on contract is the only footwear authorized. All shoes and boots shall be kept polished and in good repair. Black boots are authorized. Boots or shoes will have a rounded toe; the footwear must be able to be shined. Shoes or boots will not have decorative stitching, metal clips or protectors. Heels

will be of a walking style, without radical slope or undercut. Side buckles or rings are prohibited. Zippers may not be visible below the pant cuff when the officer is standing.

5.109 - Division will reimburse a uniformed member \$50.00 toward the purchase of first pair of boots upon hire.

5.110 - Uniformed members shall wear only black socks when the socks are visible.

5.111 - Only authorized headdress shall be worn by a uniformed member while in uniform. The uniform hat shall be worn at all times, except as officer safety concerns dictate, when away from the patrol vehicle. The hat shall be worn with the hat strap in place behind the head. The buckle on the hat strap shall be located on the left side of the hat. The hat shall be worn in place upon the head and not cocked at an angle forward, backward, or to the side.

5.112 - Uniformed members may wear issued baseball type caps at truck checks, school bus inspections, tactical operations, forensic mapping scenes, firearms or EVOC training courses. Wearing of the cap while engaged in other duties is prohibited.

5.113 - Issued winter caps or stocking caps are authorized to be worn only during very cold, inclement weather. Winter caps or stocking caps may only be worn during roadside activities where officers are exposed to highway traffic for extended periods of time, such as traffic checks, truck checks, sobriety checkpoints, accident scenes or traffic control assignments.

5.114 - Uniformed members authorized to attend meetings or training sessions in civilian clothes while on-duty shall wear a business suit, sports jacket, blazer and trousers, or other appropriate and tasteful attire. Blue jeans, sweatshirts, t-shirts or other similar type clothing will not be worn unless specifically designated or authorized by the District Commander or officer in charge.

5.115 - Issued reflectorized safety vests or reflective rain coats shall be carried in the patrol vehicle at all times. The vest or coat shall be worn during roadside activities where officers are exposed to highway traffic for extended periods of time, such as traffic checks, truck checks, sobriety checkpoints, crash scenes or traffic control assignments. Uniformed members may wear the vest or coat at any other time that safety is a concern. When the class B or C uniform is worn, the reflective side of the coat will be displayed.

5.116 - Issued items being replaced require turn-in of the damaged or unserviceable article (clothing, flashlight, leather gear, etc.). The article being turned in must be forwarded to the division supply officer for destruction. This also allows for a second party to review the

condition of the article. Serviceable turn-in items shall be returned to the division supply officer for restocking.

5.117 - Requests for issued equipment will be submitted through the Assistant District Commander. It is the duty of the Assistant District Commander to review and authorize supply request forms. No officer shall be issued articles from division supply unless pre-approved and a signed supply request form is on file.

5.118 - When a uniformed member is on regular duty and operating a marked division vehicle, the uniformed member shall wear the class A, B, or C uniform. If the uniformed member is on duty and traveling in a marked division vehicle to training or a meeting where attire other than class A, B, or C uniform is authorized, the uniformed member may travel in that attire as long as it clearly identifies the uniformed member as a state trooper. Regardless of attire, the uniformed member must wear their protective vest in accordance to policy 5.211 and full duty belt anytime they are on duty and operating a marked division vehicle.

5.2 - ACCESSORIES

5.201 - Only the issued tie, tie tack, black trouser belt, and belt buckle will be worn with the uniform. The buckle available for purchase by the Highway Patrol Association may be worn in lieu of the issued buckle.

5.202 - Issued black gloves may be worn as part of the uniform, except when duty is performed outdoors during extreme cold weather or other unusual incidents. Optional black gloves or mittens may be worn.

5.203 - Items such as keys, ink pens, or cellular phones may not be visible protruding from or attached to pockets.

5.204 - Uniformed members will wear issued coveralls or BDU's as riot gear. Coveralls or issued BDU's may also be worn by officers when working crashes or outside the patrol vehicle for extended periods of time during severe weather conditions, tactical operations, EVOC training, or conducting bus inspections. Coveralls or issued BDU's may be worn by Division members while conducting CVSA level one inspections. The member will wear all protective equipment furnished for level one and post-crash inspections. At no time will coveralls or issued BDU's be worn for routine patrol.

5.205 - Division will issue a black leather gun belt, holster, handcuff case, pepper spray holder, baton carrier, magazine carrier, flashlight holder, glove case, ECD case, cell phone

holder, and portable radio holder. Unless otherwise authorized by the Superintendent, uniformed members will wear all issued leather goods while in uniform. While wearing the ECD, either the pepper spray or baton are optional.

5.206 - Accessories will be worn on the gun belt in the following manner:

Right Handed Officers: The magazine carrier will be positioned vertically, immediately to the left of the belt buckle, followed by the pepper spray holder if worn, mini flashlight and handcuff case. The holster will be worn on the right hand side of the belt buckle.

Left Handed Officers: The magazine carrier will be positioned vertically, immediately to the right of the belt buckle, followed by the pepper spray holder if worn, mini flashlight and handcuff case. The holster will be worn on the left-hand side of the belt buckle.

The ECD holster shall be worn on the weak side in a cross draw position.

The baton carrier, glove case, cell phone holder, and portable radio holder may be worn in any position on the gun belt that provides maximum accessibility and comfort to the officer.

5.207 - The gun belt will be worn snugly fitted about the waist. The belt and all associated leather or metal items worn with it shall be kept clean and polished. Items such as keys or key clips will not be fastened to or hanging from the belt.

5.208 - Each uniformed member will be issued two badges. A badge shall be worn in the spaces provided over the left pocket of the jacket, coat, and shirt.

5.209 - Rings which restrict the shooting of firearms, use of patrol equipment, have sharp projections which snag or cut, or otherwise create an undue hazard, shall not be worn. When worn, necklaces, pendants, pins, medallions and similar jewelry shall not be visible.

5.210 - Bracelets shall not be worn unless they contain medical information and are unobtrusive.

5.211 - Protective vests purchased by the officer and the Division on a reimbursement basis, will be worn by the officer at all times while on-duty. Officers may be excused from wearing the vest during meetings, training or other non-patrol functions as authorized by the District Commander or Superintendent. The Superintendent may excuse Division personnel from wearing the vests if the assigned duty is administrative work. The member must have reasonable access to the vest and wear it when responding to a call for service.

5.212 - Uniformed members who do not accept a Division offered protective vest shall sign a waiver verifying they have been advised of the offer and have voluntarily declined to participate in the protective vest program.

5.3 - INSIGNIA

5.301 - All uniformed members shall wear an approved insignia of the South Dakota Highway Patrol on the Ike Jacket, winter and summer shirts, coat, parka, issued pullover, BDU's, and coveralls.

5.302 - Officers holding the rank of sergeant and above shall display the insignia of rank on the epaulet of their jackets and coats, and on the collar of their shirts.

The insignia of rank shall be:

Colonel - eagle emblem

Major - gold oak leaf

Captain - two gold bars

Lieutenant - one gold bar

Sergeant - collar insignia consisting of three stripes

5.303 - Service stars will be worn on the Ike jacket only. Service insignia will be worn on the left sleeve of the jacket. A gold star will represent five years of service, with one additional gold star being displayed after each five-year period of service.

5.304 - It shall be the responsibility of each uniformed member to keep the length of service insignia on their uniform current.

5.305 - Individual name bars, of an approved type, shall be worn by each uniformed member at all times while in uniform, unless instructed otherwise by a supervisor. The bar shall be worn above ¼ inch and centered with the right pocket flap on the jacket or shirt.

5.306 - All uniformed members are authorized to wear the Serving Since plate in conjunction with the name bar. The plate will indicate the year of employment of the uniformed member with the Division.

5.307 - Senior Trooper/Inspector name plates may be worn on the uniform. The rank of Senior Trooper/Inspector shall be awarded for 5 years of service.

5.308 The U.S. flag pin shall be worn approximately ¼ inch above and centered on the name plate

5.309 - Uniformed members who are assigned to pilot the patrol aircraft are authorized to wear the pilot wing insignia as part of the uniform.

5.310 - The Superintendent may authorize the wearing of medals issued by the South Dakota Highway Patrol for acts of heroism or meritorious service. These medals will become a part of the uniform and will be worn on the Ike jacket or shirt of each uniformed member receiving them in accordance with Article 6.1. Members completing the FBI National Academy or Northwestern University School of Police Staff and Command are authorized to wear their insignia on their Ike Jackets.

5.311 - Uniformed members certified according to the North American Standard Inspection level 1 training are authorized to wear the "CVSA Certified" insignia as part of the uniform. It shall be located above the nameplate above the right pocket. No unauthorized pins, buttons, insignia, emblems or other decorations shall be worn on the uniform or headgear without prior approval of the Superintendent.

5.4 - CLASSES OF UNIFORM

5.401 - Class "A" uniform - long sleeve shirt, trousers, tie, Ike jacket, and winter hat.

5.402 - Class "B" uniform - long sleeve shirt, trousers, tie, and winter hat.

5.403 - Class "C" uniform - short sleeve shirt, trousers, and summer hat.

5.404 - The coat, parka, or raincoat may be worn with the Class "B" and Class "C" uniform at those times when appropriate or as required. The raincoat or parka may be worn with the Class "A" uniform where authorized.

5.5 - SEASONAL CHANGE OF UNIFORM

5.501 - The Superintendent shall prescribe the uniform to be worn during the various seasons. Seasonal change of uniform will be in accordance with the following:

December through February - Class "B" winter uniform will be worn.

May through September - Class "C" summer uniform will be worn.

The class of uniform worn during March, April, October and November will be optional.

5.502 - The supervisor in charge of any meeting held during the months of March, April, October or November will designate the uniform to be worn. Uniformed members will be notified of the proper uniform of the day by the responsible supervisor prior to the meeting.

5.6 - ILLUSTRATIONS

The following illustrations show the specific locations and measurements for the placement of authorized accessories and insignia [no illustrations attached to this policy manual].

5.7 - PERSONAL APPEARANCE

Each Division member shall appear neat and clean at all times when on- duty. Their uniform or civilian attire and equipment will be kept in proper repair.

5.701 - MALE UNIFORMED MEMBER GROOMING STANDARDS

A. A male uniformed member's face shall be clean shaven, except for a mustache. No beards will be allowed. A mustache, when worn, will not extend downward beyond the lip line of the upper lip, nor extend sideways beyond one-half inch from the corner of the mouth.

B. A male uniformed member's hair shall look natural and be trimmed and groomed in an orderly manner, tapered on the sides and back with the hairline ending at or above the collar line. If dyed or colored, it should not be of an unusual color or contrast with the natural coloring. Hair shall be clean and shall not contain excessive amounts of grooming aids such as greasy creams, oil, or sprays that remain visible in the hair. Hair will not be worn in braids, ducktails, mohawk, afro, cornrows, or other unprofessional styles.

C. Sideburns will not extend below the base of the ear and must be neatly trimmed and tapered. The base of the sideburns will end in a straight line; no lamb chop or flared styles are allowed.

5.702 - FEMALE UNIFORMED MEMBER GROOMING STANDARDS

A. Female uniformed members shall wear their hair in such a style that will allow the normal wearing and functional use of required headgear, protective devices, or other emergency clothing or equipment. Hair may be combed over the ears, but may not extend below the

top of the shirt collar. When hair is styled or combed forward, it will be no longer than three-quarters of an inch above the eyebrows. Hair must not be worn in extreme or fad styles such as cornrows, pigtails, or dog ears. If dyed or colored, it should not be of an unusual color or contrast with the natural coloring. Hair shall be clean and shall not contain excessive amounts of grooming aids such as greasy creams, oil, or sprays that remain visible in the hair.

B. No decorations shall be worn in the hair other than functional combs, hairclips or pins that match the color of the hair and are concealed as much as possible.

C. Only those cosmetics may be worn that blend to match the natural skin color of the individual. Nail polish of any color may be worn if nails are clean and are done in a professional manner. Decorations on nails are unacceptable. False eyelashes and earrings, other than those prescribed in Article 5.703, will not be permitted to be worn while on-duty.

5.703 – TATTOOS, BODY MODIFICATIONS AND BODY PIERCING

A. Sworn Uniformed Members of the Division of Highway Patrol are not permitted to have any tattoos visible while working in the capacity as a member of the Highway Patrol that are not covered up by the Class “B” uniform.

B. If a Sworn Uniformed Member of the Division of Highway Patrol has a tattoo that is visible while wearing the Class “C” uniform, that member is not permitted to wear the Class “C” uniform and must wear the Class “B” or modified Class “B” uniform.

C. Seasonal requirements in Policy 5.501 apply to this policy. The modified Class “B” uniform shall take the place of the Class “C” uniform in Policy 5.501.

- The Class “B” uniform consists of long sleeve shirt, uniform trousers, tie and felt winter hat.
- The modified Class “B” uniform consists of specially designed long sleeve shirt, different than the standard Class “B” shirt. It also includes uniform trousers, straw hat and no tie. Only white in color T-shirt should be visible under the collar of the modified Class “B” uniform.

D. Sworn Uniformed Members of the Division of Highway Patrol, hired prior to January 1st, 2019, with tattoos obtained prior to January 1st, 2019, which do not meet the requirements of subsection A, shall not be required to remove such tattoos.

E. Sworn Uniformed Members of the Division of Highway Patrol, who wish to obtain tattoos that would be visible in the Class “C” Uniform, after January 1st, 2019, may request and must receive modified Class “B” uniforms through their chain of command prior to obtaining those tattoos.

F. Any member of the Division of Highway Patrol is prohibited from having or obtaining tattoos any place on their body that are racial or gender discriminatory in nature, depicts any nudity, violence or criminal act, sex act or sex organ, profanity, subversive group, or gang symbol.

G. Body modification to any area of the body that is visible while in the prescribed uniform is prohibited for all Uniform Members. Body modification means but is not limited to: tongue splitting or bifurcation, the complete or trans-dermal implantation of any object other than hair replacement, abnormal shaping of the ears, eyes, nose, abnormal filing of the teeth, branding or scarification. Body modification shall not include modification medically necessitated by deformity or injury.

H. The use of gold, platinum, or other dental veneers or caps for purposes of ornamentation is prohibited. Teeth, whether natural, capped, or veneer, shall not be ornamented with designs, jewels, initials, or any other decoration.

I. Body piercing, such as nose rings or studs, eyebrow rings or studs, tongue studs or any other jewelry resulting in body piercing, not concealed by approved attire is prohibited from being displayed by any uniformed member of the Highway Patrol.

J. Female members may wear small, spherical gold, silver or white pearl pierced or clip earrings with the prescribed uniform except when safety considerations dictate otherwise. When worn, earrings will fit tightly against the ear and will not extend below the earlobe. Only one earring or healing post may be worn on or in each earlobe.

K. Male uniformed members are not permitted to wear earrings of any type.

L. Any person, making application for a Sworn Uniformed Member position to the Division of Highway Patrol that does not comply with section 5.703 of the South Dakota Highway Patrol Policy and Procedure Manual may be disqualified from the application process.

CHAPTER 6 – CUSTOMS & AWARDS

PURPOSE

The South Dakota Highway Patrol recognizes that Division members, other law enforcement officers and the citizens of the State of South Dakota often perform exemplary acts of service or conduct. Commendations and awards have been established to recognize these acts.

POLICY

It will be the policy of the Highway Patrol to recognize extraordinary acts of service and performance of its members, other law enforcement officers or the public. All nominations shall be forwarded to the Superintendent on Division letterhead and shall include the specific award for which the individual is being nominated for. The Superintendent shall forward all nominations to the awards committee (6.2) for their consideration and recommendation to the Superintendent. The Superintendent may present the awards immediately or defer the presentation for an upcoming awards ceremony or other Highway Patrol meeting.

6.1 - COMMENDATIONS AND AWARDS

6.101- LEGION OF VALOR

The Legion of Valor is the highest award authorized by the Division of Highway Patrol.

General Requirements - A uniformed member, at great personal sacrifice and/or extreme gallantry and at personal risk and danger, performs an exceptional feat.

The Legion of Valor award shall consist of a plaque and a distinctive medal depicting the Seal of South Dakota on a blue background.

6.102 - SUPERINTENDENT'S AWARD FOR BRAVERY

General Requirements - A uniformed member, under adverse conditions and at risk of personal safety, performs an exceptional feat.

The Superintendent's Award for Bravery shall consist of a plaque and a medal of red, white, and blue with the letter "B" in the center.

6.103 - PURPLE HEART AWARD

This award may be presented to uniformed members who, in the performance of their duties, are seriously injured or killed. The eligible duties do not include accidental or careless behavior by the employee.

The Purple Heart Award shall consist of a plaque and a Purple Heart medal.

6.104 - LIFE-SAVING AWARD

This award may be presented to all division employees, other law enforcement officers or citizens who perform direct actions or who apply techniques that result in saving or sustaining human life.

For uniformed members, the Life-Saving Award shall consist of a plaque and a life-saving medal. For non-uniformed members, other law enforcement officers, or citizens the award shall consist of a plaque.

6.105 - SUPERINTENDENT'S AWARD FOR MERITORIOUS SERVICE

A. UNIFORMED and NON-UNIFORMED PERSONNEL

This award may be presented to a uniformed member, non-uniformed member, or unit of the patrol for special dedication to the Highway Patrol. This may be demonstrated through excellence in the performance of duties, excelling in duties related to public relations, or planning and/or organizing special activities, thereby enhancing the mission of the Highway Patrol. The act(s) must be the result of performance beyond the requirements of normal work assignments.

The Superintendent's Award for Meritorious Service shall consist of a plaque.

6.106 - SUPERINTENDENT'S PERFORMANCE AWARD

A. UNIFORMED and NON-UNIFORMED PERSONNEL

This award may be presented to a uniformed member, non-uniformed member, or unit of the patrol for job performance that exceeds levels normally recognized by letters of appreciation, but does not meet the requirements of the Superintendent's Award for Meritorious Service.

This award may recognize any uniformed member, non-uniformed member, or unit of the patrol for exceptional performance in promoting highway safety through enforcement, customer service, public education, safety inspections, or extraordinary involvement in their community through voluntary work that reflects a favorable impression upon the division.

B. OTHER LAW ENFORCEMENT OFFICERS

This award may be given to any law enforcement officer with another agency in recognition of special services or assistance given to the Division of Highway Patrol.

C. PRIVATE CITIZENS

This award may be given to any citizen in recognition of special services or assistance given to the Division of Highway Patrol.

The Superintendent's Performance Award shall consist of a plaque.

6.107- STATE TROOPER OF THE YEAR AWARD

This award shall be presented annually to a trooper for not necessarily an outstanding act, but for continued demonstration of exceptional service to the agency, citizens, and communities. Factors for consideration can be, but not limited to, quality and completeness of work, relating to the public in a manner which reflects positively on the Highway Patrol, consistent quantity and quality of work, willingness to accept and complete assignments, expertise and professionalism displayed during performance of duty, leadership ability, and teamwork with co-workers and outside agencies. Additional factors that should be considered:

- Commitment to the Agency
- Dedication to the mission of the Highway Patrol
- High ethical standards
- Volunteer work in the community

The State Trooper of the Year award shall consist of a plaque.

6.108 - SAVED BY THE BELT/HELMET AWARD

This award may be presented to any citizen who has been involved in a crash, and it was determined through investigation, that the person avoided serious bodily injury, or death, from the use of a seatbelt, child restraint system, or motorcycle helmet.

The Saved by the Belt/Helmet award shall consist of a certificate.

6.109 - SAFE DRIVING AWARD

This award shall be given to all uniformed members who meet the qualifying number of recorded miles while driving Division owned vehicles. A uniformed member shall not have any chargeable crashes or violations while driving the required miles set out in each specific category. An annual review of the records will be conducted after December 31 to determine those persons who are eligible for awards. The names of the qualifying

uniformed members will be provided to the Superintendent no later than February 28.

The award shall be given in the following five categories:

- 100,000 mile award- This award shall consist of a certificate.
- 250,000 mile award- This award shall consist of a certificate.
- 500,000 mile award- This award shall consist of a plaque.
- 750,000 mile award- This award shall consist of a plaque.
- 1,000,000 mile award- This award shall consist of a plaque.

6.110 – COMMANDER’S AWARD OF EXCELLENCE

The Commander’s Award of Excellence is an award to recognize exceptional work done by troopers that may not be solely number based on performance measures.

General Requirements – The trooper who demonstrates any of the following factors for consideration, but not limited to: demonstrated leadership throughout the district, shows outstanding decision making during a critical incident, demonstrates motivation across the district, and demonstrates Highway Safety enforcement activities. Any other actions the District Commander deems necessary of the award should be considered.

The Commander’s Award of Excellence will be uniform across the districts and shall consist of a plaque for the trooper to take home and a plaque displayed at the district office with the trooper’s name.

6.2 - AWARDS COMMITTEE

6.201 - The Awards Committee shall be appointed by the Superintendent of the Highway Patrol. Appointment and selection for this committee shall come from those that express an interest and desire to serve. Appointments shall be for a two year period, at which time the Superintendent may appoint a new committee from a list of interested members. An alternate member shall be appointed by the Superintendent, for a specific award should a member of the committee be nominated for that award.

The Awards Committee shall consist of the following members:

- (1) Assistant Superintendent-Chairperson
- (1) Uniformed supervisor of any rank
- (1) Uniformed trooper
- (1) Non-sworn member of the Highway Patrol
- (1) At-large community member selected by the Superintendent

The Awards Committee shall meet between March 1 and March 31 on an annual basis and review all recommendations for awards. The Superintendent may also request the awards committee to review award nominations at any time throughout the year.

If the awards committee requests additional information in support of the nominations, contact may be made with the nominating employee by the committee. The chairperson shall submit the recommendations of the committee to the Superintendent on Division letterhead no later than April 18. The memorandum shall provide details of the qualifications and all supporting documents of their selections.

6.202 - AWARDS COMMITTEE VOTE AND RECOMMENDATIONS

For the Legion of Valor award, the Superintendent's Award for Bravery, the Purple Heart award, the Life-Saving award, and the State Trooper of the Year award; the Awards Committee shall reach a unanimous decision for recommendation to the Superintendent.

For the Superintendent's Award for Meritorious Service and the Superintendent's Performance Award, the Awards Committee shall reach a simple majority for recommendation to the Superintendent.

Nominations for the Saved by the Belt/Helmet award will be received by the District Commander of the District area the traffic crash occurred. The District Commander will be the deciding authority on who receives the award. The District Commander will also work with the employee who submitted the nomination as to when and where presentation of the award can be given.

The Awards Committee may recommend to the Superintendent an award other than the one nominated, if they believe a different award is more suitable. Final concurrence of the Superintendent will be required prior to notification and issuance of any award other than the Saved by the Belt/Helmet award.

6.3 - AWARDS NOMINATION PROCESS

6.301 - Any South Dakota Highway Patrol employee, who feels an employee is deserving of recognition, may make a nomination for any awards found in this article at any time. Nominations shall be addressed to the Superintendent of the Highway Patrol and transmitted to Division Headquarters on Division letterhead, via the chain of command. The chain of command shall forward to Division Headquarters any additional comments and endorsements for the recommendation, also on Division letterhead.

Nominations for State Trooper of the Year shall be submitted between January 1st and February 28th of each calendar year, for the previous year. Upon receiving recommendations, the Superintendent shall forward all nominations to the Awards Committee for review.

Nominations will be reviewed at the yearly Awards Committee meeting, but if the Superintendent believes that an award must be considered prior to the yearly Awards Committee meeting, the Superintendent has the authority to call the Awards Committee to a meeting for review of a specific award. The Superintendent also has the authority to present such award at any time.

6.4 - PLACEMENT OF AWARD MEDALS ON UNIFORM

6.401 - All award medals will be worn on the class "A" uniform and may be worn on the class "B" and "C" uniforms. The medal will be centered above the officer's name plate pin and below the flag on the right side of the daily uniform. In the event an officer receives more than one medal, the medals will be worn centered above the name plate pin in the following order from left to right:

- Legion of Valor
- Superintendent's Award for Bravery
- Purple Heart Award
- Life-Saving Award

If an officer receives the same award more than once, only one medal will be worn on the patrol uniform for that award.

6.5 - FUNERAL SERVICES

6.501 - FUNERAL ESCORTS

A uniformed member assigned to escort a funeral procession shall contact the funeral director or local law enforcement agency for instructions and desired routes of travel.

Headlights on the patrol vehicle will be lighted at all times. Emergency lights will be used only when necessary.

The patrol vehicle should be properly positioned at the time the attendees leave the church. When city police furnish escort to city limits, their vehicle should precede the patrol vehicle at the head of the procession.

From the time the casket leaves the funeral service, and until it is placed in the hearse, the uniformed member should be present near the front of the hearse, when practical. At other times they should remain at the left rear of the patrol vehicle.

Uniformed members conducting traffic control shall come to a position of attention while the procession passes. A hand salute will be rendered while the hearse passes for any deceased military, law enforcement or other eligible individuals.

Upon arriving at the cemetery, unless otherwise instructed, the uniformed member should move ahead of the procession, park the patrol vehicle, and assist with traffic on foot at the cemetery entrance until the procession has entered the cemetery.

6.502 - DECEASED ACTIVE OR RETIRED OFFICERS SERVICES

A. DISTRICT AND DIVISION RESPONSIBILITIES

In the event of the death of a uniformed member of the Division, the Commander of the District to which the deceased was assigned shall immediately notify Division Headquarters. The District Commander or designee will contact the officer's family, conveying the sympathies and condolences of the Division and offering whatever assistance is appropriate.

In any instance requiring notification to be made to the widow or another relative, such death message shall be delivered in person by the District Commander, or designee, in the District where the officer (active or retired) resided.

The District Commander will be responsible for determining whether the families of the deceased desires to have the Division take part in the funeral services. If the family indicates it wishes Highway Patrol participation, the Commander will explain the Division policy as set forth in this article. Any or all of the formalities outlined may be utilized, as the family chooses.

Division Headquarters, upon learning of the death of an active officer, will communicate this information to all Division members. All uniformed members, upon being advised of the member's death, will place the issued black mourning band horizontally across the center of the uniform badge. The mourning band will be worn for a period of time designated by the Superintendent. Typically, 1800 hours on the day of the funeral.

Upon direction of the Governor's Office, all offices of the Highway Patrol shall display the national flag at half-staff in honor of deceased members.

B. OFFICERS ACTING AS PALLBEARERS

Individual officers selected to serve as pallbearers will be notified of the date, funeral home, place of services, location of cemetery, and time they are to report. They will report to the funeral home as directed and proceed under the direction of the funeral director. When traveling from the funeral home to place of services, and from place of services to cemetery, they will immediately precede the hearse in the assigned vehicle(s). Headgear will be worn by the pallbearers at all times, except when inside the funeral home or place of funeral service, after the casket has been placed.

C. MEMORY GUARD

Uniformed members chosen to act as memory guard will be selected by the Superintendent, the District Commander or family. Members chosen for the memory guard will be instructed as to when and where to report for duty, and will report in the prescribed uniform.

A minimum of four members will be selected. They will stand guard, in pairs, at the funeral home, or place of funeral service, for one hour prior to the time of the funeral services. If requested by the family, the memory guard may be assigned to function at any time the casket is open for viewing either at the funeral home or place of funeral service.

Two members will be on guard at all times during the period assigned. They will be positioned one at the head and one at the foot of the casket. While on memory guard duty, the member will stand at parade rest, coming to attention upon entrance of other persons.

Upon removal of the casket from the place where memory guard is stationed, members of the guard will be released and will join the other officers. The above procedures are subject to change to fit individual circumstances.

D. TEMPORARY HONOR GUARD

The following procedures reflect the responsibilities for members chosen locally to attend services which do not require the attendance of the official Highway Patrol Honor Guard. A temporary honor guard, used in lieu of the official Highway Patrol Honor Guard, will consist of no more than twenty officers, and a leader who will be chosen from the deceased officer's squad or unit. These officers will be notified of the time and location where they

are to assemble for the services. The following procedures and guidelines are established and either all or any portion may be used to accommodate the individual circumstances of each funeral.

The temporary honor guard uniform shall consist of the Class A uniform with duty belt, sidearm, magazine case, and handcuff case. A different uniform may be directed by the Superintendent.

When the honor guard is utilized at a memory chapel, the leader will align the group at the position of attention on either side of the line to be followed by the pallbearers when taking the casket from the chapel to the hearse. As the pallbearers bring the casket from the chapel, the honor guard, on command of the leader, will hand salute and will hold salute position until the casket passes and the command is given to return to a position of attention. After the casket has been placed in the hearse, the honor guard will fall out and with patrol vehicles, will precede the hearse to the place of the funeral service.

At the place of services, the honor guard will align itself on either side of the line to be followed by the pallbearers when taking the casket from the hearse into the place of service. The honor guard will remain in this position until all of the uniformed honorary pallbearers have entered the place of service and will then fall in behind them and be seated in a place as decided by the funeral director or District Commander.

Upon completion of the service, the honor guard will be the first officers to leave and will again align themselves on either side of the line to be followed by the pallbearers as they take the casket from the place of service to the hearse. After the casket is placed in the hearse, the honor guard will fall out and proceed immediately to the cemetery.

Upon reaching the gravesite, the honor guard will form at attention in two lines with one line on either side of the line to be followed by the pallbearers as they carry the casket from the hearse to the grave. On the command of the leader, the honor guard will hand salute as the casket passes and will hold the salute until the pallbearers have placed the casket and taken their position at the gravesite.

In all the above duties, officers will fall-in in the position of attention and remain in that position until a different command is given.

E. HONORARY PALLBEARERS

All uniformed members not serving as pallbearers or temporary honor guard will be considered honorary pallbearers. Near the place of service, the members will assume a formation, and on command will come to attention and move two-by-two into the place of

service to be seated. When the casket is brought in proper protocol would be to place the right hand on the heart while uncovered (left hand should be holding the hat). Upon completion of the services, they will move out in twos and take up similar positions as when they entered. When the casket appears in view, the officer in charge will issue the command to come to attention followed by the order to present arms. Members will, render a hand salute until the casket is placed in the hearse. The officer in charge will command order arms. The detail will remain at the position of attention until the command to fall out has been given. When given the command to fall out, they will proceed to their vehicles and form a line behind the family and pallbearers. At the cemetery, they will form in a group at an assigned place. Members may depart the cemetery, at their discretion, upon completion of the graveside service.

Officers should maintain a position of attention when the American flag is presented.

Uniformed officers of other departments may, at their request, join the patrol formation for the services. In such cases, the officer in charge will have them fall-in at the end of the Division formation. He will also brief them on the procedure to be followed.

Officers and their family members who are attending the service in civilian clothes may join the patrol formation.

6.503 - CIVILIAN SERVICES

Division members may, as a gesture of respect, be assigned to attend civilian funeral services. The District Commander will notify Division members as to the time, location, and type of uniform to be worn for the funeral services.

Division members assigned to funeral duty will attend services at the church, funeral home, and at gravesite, based on the discretion of the officer-in-charge.

Division members should arrange to be seated together in a group in the church or funeral home, and should stand together at the gravesite services. Their place and position at gravesite will be to the rear of the gathering or as instructed by the funeral director.

6.504 - DESIGNATION OF UNIFORM

Uniformed members attending funeral services, while on-duty, will wear the uniform prescribed by the Superintendent or District Commander.

CHAPTER 7 – VEHICLE, EQUIPMENT, AND ACCIDENTS

PURPOSE

The purpose of this directive is to establish policy and procedure for the operation and maintenance of Division owned or used vehicles, and the equipment and accessories in or on these vehicles. This directive will also provide uniform procedures for reporting of accidents, damage, or repairs needed to vehicles, equipment, and accessories.

POLICY

The South Dakota Highway Patrol recognizes the importance for uniformed members to operate and maintain Division vehicles in a safe, responsible manner.

7.1 - DIVISION VEHICLE

7.101 - Division vehicles shall be used only for performing official duties or other related state business and may be operated only by authorized members of the Division.

7.102 - Except in the performance of official duties or emergency situations, no persons other than those connected with the Division of Highway Patrol, shall be transported in Division vehicles without the approval of the Superintendent or the District Commander. Exceptions to the above will include full time law enforcement officers, the secretary and deputy secretary of the department, the Governor, their family, their administrative staff, the Division chaplain and other persons whose transportation has identifiable public relations benefit to the Highway Patrol.

7.103 - With approval of the Superintendent or District Commander, persons expressing interest in the Highway Patrol may be infrequently transported in Division vehicles. These persons shall sign and submit a release of liability form (HP-201) prior to being transported.

7.104 - Whenever a uniformed member is transporting a passenger of the opposite sex, excluding those individuals identified in 7.102 and 7.103, the time and odometer reading for both departure and destination arrival will be logged with dispatch.

7.105 - A Division vehicle shall not be driven in a careless or reckless manner at any time. Posted speed limits shall be obeyed except when calls for service are necessary requiring higher speeds. This would include, but not limited to, the pursuit of violators or when traveling to a serious emergency. In those cases where emergency equipment is used, it shall be done so in a legal manner.

7.106 - Safety belt and shoulder harness shall be used at all times when the vehicle is being operated.

7.107 - Division vehicles shall be locked when unattended or out of sight of the operator.

7.108 - Vehicle engines may be kept idling when the uniformed member is running radar, working accidents, and when performing duties of a similar nature where it is necessary to provide adequate electrical power or to provide a degree of comfort to the occupants. At all other times when the uniformed member is out of the vehicle, the engine shall be turned off and the keys will be removed from the ignition. Canine handlers will refer to Article 14.12 - Care for Canines in Patrol Vehicles.

7.111 - A uniformed member shall not, at any time, leave an unrestrained prisoner or unattended individual in a Division vehicle without stopping the engine and removing the keys from the ignition switch.

7.112 - During periods of extended illness, annual leave, military leave, emergency leave, or special assignments, the vehicle shall be parked at the District office, state shop or any other location approved by the District Commander.

7.113 - Unless authorized by the Superintendent, no one shall add to, remove, change standardized position of, or alter in any manner any equipment, accessories, or mechanism on or installed in the Division vehicle.

7.114 - Trauma Kits shall be stored in the issued tactical response bag. The tactical response bag will be stored in the trunk of the patrol car. It should be located in the left rear area of the patrol vehicle's trunk or cargo area and immediately observed when opening the trunk.

7.115 - Protective barriers will be installed in all marked Division vehicles issued to officers holding the rank of sergeant and below.

7.116 - The Division vehicle, equipment, and accessories shall be maintained in serviceable condition.

7.117 - The exterior and interior of the vehicle shall be kept clean.

7.118 - Only that equipment and those forms, records, and other items of personal equipment necessary to the Patrol operation shall be carried in the vehicle. Such items will be carried or stored in an orderly manner and no loose or unsecured items shall be carried on the dash or rear window deck.

7.119 - The radar components may be mounted on the dash of the Division vehicle in a secure position. Stalker RADAR components will be mounted by the Division mechanics.

7.120 - Bumper or other type stickers, except official stickers required by law or regulation, or those authorized by the Superintendent, will not be placed on the exterior portion of the Division vehicle or on any portion of the glass.

7.2 - CROSSING HIGHWAY MEDIANS

7.201 - Where a highway has been divided into two roadways by leaving an intervening median barrier in between, no Division vehicle may be driven over, across, or through such space except at established crossovers or intersections, unless engaged in enforcement action or responding to an emergency.

7.202 - Officers driving departmental vehicles may cross highway medians at other than designated crossovers in the following instances:

- A. In response to emergency calls when time is essential.
- B. To effect high risk or suspected high risk stops.
- C. In response to hazardous on-going traffic violations such as DUI or reckless driving.
- D. Apprehending a violator when Division policy requires a citation or physical arrest.

7.203 - When crossing medians, except at cross-overs and in cases where the officer or the public's safety is in specific danger, officers will activate their emergency lights or siren and will use extreme caution with regard for other traffic and their safety. They will exercise care in selecting a site that will not result in damage to the vehicle or the median.

7.3 - MAINTENANCE AND REPAIR

7.301 - Every Division member to whom a vehicle is assigned shall be responsible for the maintenance and care of such vehicle, assuring that it is in a safe driving condition at all times.

7.302 - Upon receiving a vehicle and equipment, the Division member shall make an inspection thereof noting any damage that may exist. Any vehicle damage shall be immediately reported to the Assistant District Commander in charge of administrative operations and the division management services officer, through the chain of command.

7.303 - Every Division vehicle will be maintained in accordance with guidelines established in the severe duty maintenance schedule from the manufacturer. Division members are responsible for ensuring the required maintenance is accomplished within the designated time frame and for maintaining a log of the maintenance performed.

7.304 - Tires shall be replaced when the tread depth has been worn to 3/32 of an inch at any point on the tires excluding wear bars.

7.305 - Studded snow tires and tire chains are not authorized for use on Division vehicles, unless approved by the Superintendent.

7.306 - Antifreeze in Division vehicle cooling systems shall be included in regular preventative maintenance, and the solution shall be maintained at a minimum of 35 degrees below zero at all times.

7.307 - Extra containers of gasoline will not be carried in Division vehicles. If an emergency situation demands that gasoline is carried in a Division vehicle, the radio transmitters shall not be used.

7.308 - Maintenance on Division vehicles will be performed at authorized garages or vehicle dealerships in accordance with the type and quality of service offered.

7.309 - Authorization for vehicle repairs shall be as follows:

A. When the estimated cost of repairs is \$250.00 or less, a uniformed member may authorize the repair work done.

B. When the estimated cost of repairs is \$251.00 to \$500.00 or less, the Assistant District Commander in charge of administrative operations may authorize the repair work done. Division management services officer will be notified of repair cost exceeding \$500 excluding tire replacement.

C. When the estimated cost of repairs is \$501.00 to \$1,000.00, the District Commander or their designee may authorize the repair work to be done.

D. Repairs exceeding \$1,001.00 will be reported to and repairs authorized by the Assistant

Superintendent or their designee.

E. All body and/or frame damage repair or repainting work must be approved by the Assistant Superintendent, or their designee. A minimum of two estimates of the cost of repair must be submitted to the Assistant District Commander in charge of administrative operations. No repair work shall be done until authorized by the Assistant Superintendent, or their designee.

7.310 - Division members submitting repair tickets from vendors that do not accept the Voyager card, shall inspect repair tickets for accuracy prior to signing the completed work invoice. All repair invoices will be accompanied by the first copy of the direct requisition-stock received ticket and shall be forwarded to District headquarters.

7.311 - In those instances where warranty work is done on a Division vehicle the invoice will be turned in to the appropriate district showing a zero balance. The invoice information will then be entered into the records management system under the appropriate vehicle.

7.312 - Purchases and repairs for Division vehicles are to be made considering price and timeliness of repairs.

7.313 - Submission of Voyager credit card purchase slips up to \$100.00 will be left to the discretion of the District Commander. Charge slips may be required to be submitted to Division Headquarters should purchase irregularities appear. Voyager receipts for maintenance or repair or maintenance items shall be forwarded to the appropriate District for entry into the fleet management section of the RMS.

7.314 - The use of the Voyager credit card is authorized for the commercial purchase of gasoline, oil, car washes, and other miscellaneous service not to exceed \$100.00. Multiple charges of \$100.00 to cover repairs exceeding this limit will not be permitted.

7.4 - RADIO EQUIPMENT

7.401 - The two-way radio transmitter and receiver shall be mounted in the trunk of the vehicle. The radio control head, scanner, siren control head, speaker unit, and antenna will be mounted in the manner prescribed.

7.402 - Two-way radio equipment will be serviced under the direction of the chief radio engineer at a State Radio repair facility. Radio equipment shall not be serviced by unauthorized personnel.

7.403 - All uniformed members will use proper radio procedure including; call signs, 10-signals, courtesy, tact and brevity when talking on any radio talk group.

7.404 - Uniformed members should not use dispatch to relay personal messages or to make or receive non-emergency telephone calls that the uniformed member has the time and ability to make or receive themselves. Confidential or sensitive information should not be transmitted over the police radio, except as may be necessary in emergency situations.

7.405 - All uniformed members will notify dispatch and be acknowledged when beginning and ending a duty shift or other work hours. Uniformed members will notify dispatch whenever exiting the Division vehicle. If dispatch cannot be reached, the uniformed member will utilize local dispatch to make contact. Uniformed members will notify dispatch when they are out of the vehicle and shall turn on the portable or extender radio and notify dispatch of a landline number or cellular number where they can be reached. The primary communication device shall be the radio.

7.406 - Dispatch will be notified of all traffic stops made by officers. Normal traffic stop procedures (10-44) will be utilized unless emergency or officer safety considerations preclude the use of this procedure. The protocol for transmitting a traffic stop shall be: Unit number, mile marker, highway number, state of registration, license plate number.

7.5 - VEHICLES REMOVED FROM SERVICE

7.501 - The Voyager credit card and Mega Trak key remain in the vehicle taken out of service.

7.502 - The interior of the vehicle and trunk will be vacuumed prior to the turn-in. The exterior of the vehicle shall be washed if the weather conditions permit.

7.503 - A vehicle condition report shall be completed at the time of the turn-in, noting the overall condition of the vehicle regarding exterior, interior, and mechanical defects.

7.6 - PURCHASE OF GASOLINE AND OIL

7.601 - When purchase of gasoline is not made at a state shop using a Mega Trak key, it will be purchased commercially through the use of a Voyager credit card.

7.602 - When the purchase is made at a station other than a state shop, gasoline shall be

obtained at self-service pumps if the facility has such pumps. The Division member shall perform the routine maintenance duties. Whenever practical, members should utilize ethanol blend gasoline purchased from state shops or gas stations.

7.603 - Current and correct mileage for the vehicle will be entered when purchasing fuel with the Voyager or Mega Trak systems.

7.7 - CRASHES INVOLVING DIVISION VEHICLES

7.701 - It is necessary that Division Headquarters receive information pertaining to all crashes involving Highway Patrol Division vehicles. This information is used in collecting reparations from other involved parties, or their insurance companies, and to facilitate payment for damages to the Division vehicle.

7.702 - An immediate supervisor will be notified at once by the member involved and such supervisor will be required to notify the appropriate District Commander or their designee.

7.703 - Any injury to a Division member shall be immediately reported to the District Commander or their designee, with all available details being furnished in this report. The District, upon receiving notification of a crash injury, will immediately notify Division Headquarters. All reports will be forwarded to the Office of Risk Management through the chain of command.

7.704 - The nearest law enforcement agency having jurisdiction will be dispatched to the scene of any crash as defined by SDCL 32-34 involving Division employees for purposes of making an investigation, unless otherwise determined by their immediate supervisor. The immediate supervisor's response will be based on the severity of the crash.

7.705 - Nothing in this article will preclude the Highway Patrol from conducting an independent investigation of crashes involving a Division vehicle. This will be at the determination of the District Commander. Where an investigation has been made by another agency, the immediate supervisor should obtain all available information from the investigating agency.

7.706 - The Assistant District Commander in charge of administrative operations shall provide Division Headquarters with the standard Risk Management Accident Report form, State of South Dakota Motor Vehicle Investigators Report form or the investigating agency prescribed form.

7.707 - Repair of crash damage shall be coordinated through the District Commander or their designee and Division Headquarters.

7.8 - PATROL CRASH REPORTS

7.801 - The following information shall be forwarded to Division Headquarters within ten (10) working days of the crash unless an extension of time is approved by the District Commander or their designee due to extenuating circumstances:

- A. Copy of crash investigator's completed State of South Dakota Traffic Accident Report.
- B. Risk Management Accident Report Form.
- C. Estimated cost of repairs from at least two vehicle repair vendors.
- D. A case report by the Division member involved in the crash.
- E. A narrative report by a supervisor. This report shall cover all details of the crash and may include comments the supervisor may have regarding the incident or crash.
- F. Copies of all photographs and or videos pertaining to the crash.
- G. Statements from witnesses and any other pertinent data that may be relative.

7.802 - All of the required information, reports, and photographs must be entered into the RMS and tasked to the Crash Reconstruction Coordinator by the District Commander for their review and approval. It shall be the District Commander's responsibility to ensure that the necessary reports and related materials are loaded into the RMS.

7.9 - CRASH REVIEW BOARD

7.901 - All crashes involving Division members will be reviewed by a three member panel consisting of the Crash Reconstruction Coordinator, the Squad Sergeant of the Trooper, and one of the respective District Command Staff. If a crash is ruled preventable, the Trooper will have the opportunity to appeal the decision to the Crash Review Board.

7.902 A Crash Review Board, comprised of two uniformed members chosen based on interest from each District and a member from Division staff will review all appealed

crashes involving Division members while operating a state vehicle.

7.903 - All available information necessary for the review of a crash will be provided to the board upon their request.

7.904 - The review board will provide the Superintendent with a report on all crashes reviewed by them. The report and its recommendations will be used by the Superintendent to assist in the reduction of crashes involving vehicles being operated by Division personnel.

7.10 - CELLULAR PHONES

7.1001 - Uniformed members shall be required to immediately report the damage, loss or theft of their state cellular phone to their immediate supervisor.

7.1002 - Safe vehicle operation while using cellular phones is of extreme importance and shall be done in accordance with state law. Hands free mode should be used when practical.

7.1003 - Requests for changes or modification to state cellular phone numbers and features must be submitted to the District Commander and authorized by Division Headquarters.

7.1004 - The Assistant District Commander in charge of administrative operations will review and approve all monthly cellular phone billings for all members assigned to the District.

7.1005 - Special features, beyond normal voice communications, shall not be accessed at state expense. i.e. text messaging, ring tones, apps, internet, etc.

7.1006 - Uniformed members may forward their state issued cellular phone to their personal cellular phone. Uniform members will carry a cellular phone that can be reached by calling their state cellular phone number at all times while on duty unless officer safety or tactical reasons prevent it. The cellular phone will be turned on and available for calls.

7.1007 - Uniformed members will be responsible for any additional costs that may result from using their personal cellular phone in lieu of their state issued cellular phone. Personal cellular phones shall not be forwarded to the state issued cellular phone. If uniform members choose to forward their work phone to their personal cellular phone, the uniform member's phone could be subject to discovery in the court process.

7.1010 - Uniform members should refrain from using cellular phones in order to relay

information about a law enforcement incident where such information might jeopardize the safety of all Troopers responding to the incident. The information should be communicated to all Troopers either through the dispatcher or through lap-top electronic messaging.

7.1011 - Uniformed members may be required to carry their state cellular phones with them while off duty during special assignments, emergencies, natural disasters, heightened homeland security status, and other events where their immediate return to work may be necessary.

7.1012 - No uniformed member shall utilize the text messaging function of a communication device when in operation of an agency vehicle.

7.1013 - Officers should be aware of the use of cellular phones equipped with cameras and recording devices

— All officers shall be aware that the use of a recording device such as a department issued camera, department issued video recorder, or a department issued cell phone equipped with a camera and or video recording device capable of recording and documenting evidence at the scene of an incident under investigation by the department must be consider to have potential evidentiary value. These images and recordings contain potentially inculpatory and exculpatory materials. Therefore, when any member of the department uses a recording device of any type to capture images or verbal recordings related to incidents under investigation by the department the material must be preserved and disclosed.

— The uniformed member will take the appropriate steps to ensure the evidence is properly preserved and the chain of custody followed.

— Under no circumstances will an officer who has recorded any evidence in accordance with this policy re-produce, copy, or forward the image or recording by means of social media, internet, e-mail or similar media sharing devices with any person other than those persons who are acting in their official capacity in accordance with South Dakota law.

— The officer who transfers evidence from a recording device to any person or agency will document that evidence transferal in the records management system of the department where that investigative case file is maintained.

7.11 - AUDIO AND VISUAL RECORDERS

7.1101 - The audio/visual equipment assigned to a uniformed member will be their responsibility. Proper care and maintenance will be used as recommended by the manufacturer and as directed by department policy.

7.1102 - It shall be the responsibility of each uniformed member to verify the audio/visual equipment is functioning properly. This shall be checked at the beginning of the shift and monitored throughout the shift. This will include verification of correct time and date and ensure the same is noted on all recordings.

7.1103 - Audio/visual recording equipment installed in patrol units will be utilized when responding to an accident, when assisting or engaged in a pursuit, at any time the emergency lights or siren is activated, and will be used to record all stops and during contact with the public.

7.1104 - Scale facilities equipped with audio/visual recording equipment shall be used to record all contacts initiated with the public. Audio/visual equipment at the Ports of Entry will be activated at all times when the port is in operation. It will be the responsibility of the Inspectors on-duty to ensure the equipment is functioning properly.

7.1105 - Audio/visual recording equipment shall be activated to begin recording when the patrol unit's emergency lights or siren are in operation. Uniformed members, except Port of Entry Inspectors, will have the capability to manually begin or end recording as circumstances may warrant.

A. Recording may be stopped during traffic control situations when the patrol unit's emergency lights may be in operation. This would include functions such as funerals, directing traffic at emergency scenes when the recording equipment is not otherwise necessary, safety checkpoints, etc.

7.1106 - Proper verbal notation or bookmark on the video recording is needed to explain why the video recording has been shut off.

7.1107 - Uniformed members shall manually operate the audio/visual equipment to record driving performance of a motorist that may provide probable cause for a traffic stop or arrest (DUI, reckless driving, etc.)

7.1108 - Uniformed members will activate their wireless microphone at all times while outside the vehicle when the recording equipment is in operation.

7.1109 - Uniformed members should provide narration with the video recording, prior to each stop. The intent of this narration is to assist them in necessary written documentation

and to assist the officer in supporting probable cause for the stop.

7.1110 - Uniformed members may turn their audio/visual equipment on when they are out of their patrol unit on an assignment if there is a need to utilize the microphone capabilities of their equipment to substantiate or assist with documentation of their law enforcement duties, i.e. domestic disturbance, etc.

7.1111 - Uniformed members shall not cease audio/visual recording until a traffic stop is complete.

7.1112 - Patrol car video recordings will use a 30 second loop feature if so equipped to allow the 30 seconds of visual recording prior to video equipment activation to be captured and recorded. This recording will not include the capture of audio.

7.1113 - Recordings shall not be destroyed, altered or erased in any manner by a uniformed member, except by those authorized to do so by policy.

7.1114 - All video recordings will be treated similar to evidence, however they will not be entered into the evidence system. Access to the video recordings shall be different than other forms of evidence, in as much as they may be needed by the uniformed member for court preparation.

7.1115 - Video recordings generated by uniformed members, while on official duty, are the property of the Highway Patrol and shall be maintained in a secure manner at the uniformed member's division, District, and squad or zone office. All video recordings shall be uploaded onto the Highway Patrol's video management system.

7.1116 - Recordings shall be bookmarked and classified for each individual recording to provide easy accessibility for court reference, purging or any other need as may be determined by a supervisor. With the exception of the states attorney or judicial order, requests for duplicate copies of videos shall be authorized by the District Commander.

7.1117 - Retention periods for video recordings on the video system will be as follows:

Default (anything untagged) - 1095 days

DUI - 1095 days

Crash - 1095 days

Criminal Investigation - 1095 days

Motor Carrier - 120 days

Pursuit - 1095 days

Non-Event - 120 days

Traffic - 120 days
Training - indefinitely
Fatality - indefinitely
Admin Review - indefinitely

7.1118 - Video recordings that contain material deemed beneficial for training purposes may be used upon approval of the District Commander. Use of video recordings for any other purpose shall be authorized by the Superintendent. Written permission from the Superintendent is required if anyone wishes to use a video.

7.1119 - Outside requests for video recordings as evidence for a civil matter shall be scrutinized and approved by the District Commander. The staff handling of these requests shall follow the policy established in Article 2.9.

7.1120 - Upon completion of a recording the uniformed member shall classify the video recording under the preset bookmark category. The uniformed member shall add the name of the subject being recorded and may add additional information that is helpful to searching for the video.

7.1121 - First-line supervisors of uniformed members utilizing audio/visual recording equipment will randomly review recordings of subordinate uniformed members to assist them with performance evaluations.

7.1122 - Audio/visual recordings may be used to investigate complaints against uniformed members. In those instances; the digital media will be tagged so it is retained properly.

7.12 - IN CAR LAPTOP COMPUTERS

General Requirements for Uniformed Members

7.1201 - Electronic Messaging

A. Transmission of electronic messages by Highway Patrol personnel shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence. All electronic messages transmitted, received, or stored on Mobile Data Computers (MDC's) are the property of the Highway Patrol.

B. The Highway Patrol reserves the right to access any information contained in MDC's or other electronic device and may require members to provide passwords to files that have been encrypted or password protected. Highway Patrol personnel shall have no expectation of privacy with respect to electronic messaging.

C. The Highway Patrol reserves the right to access, for quality control purposes and for violations of this policy, electronic and voice transmissions of members conducting the business of this agency.

D. Accessing or transmitting materials such as obscene language, images, jokes, sexually explicit materials, or messages that disparage any person, group, or classification of individuals is prohibited whether or not a recipient has consented to or has requested such material. If this type of material is received, please contact the system administrator.

E. Highway Patrol personnel shall not have access, or allow others to have access, to any file or database unless that person has a need and a right to such information.

F. An MDC is designed and intended to conduct business of the Highway Patrol and is restricted to that purpose. Exceptions to business use include the following:

1. Infrequent use of these devices is permissible if limited in scope and frequency, if in conformance with other provisions of this policy, and is not connected with any business enterprise or the promotion of any product, service or cause that has not received the prior approval of this agency.

2. Highway Patrol personnel may make off-duty personal use of agency computers for professional and career development purposes if in conformance with other provisions of this policy and with prior knowledge of a supervisor. If the employee does not have access to the state network, limited access may be granted by the systems administrator upon approval of the District Commander.

G. All data, software, and other programs residing on a department computer are the property of the department.

7.1202 - Computer Hardware and Software Usage

A. The hardware and software will only be used for the benefit of the state of South Dakota and the Highway Patrol.

B. The improper reproduction of software and software manuals by any means is prohibited.

C. Users will abide by all contractual agreements between the vendor and the Highway Patrol.

D. The Highway Patrol will restrict access to locations or computers with CJIS access. At any time it is necessary for a non-employee to be in the area of CJIS records or a CJIS capable computer, that person shall be escorted by an employee. Employees will take measure to prevent the unauthorized viewing of computer screens using various approved methods such as password screen savers and monitor shields.

E. Installation and training for any software shall be provided or arranged for by the systems administrator.

F. Highway Patrol personnel shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

1. Privately owned software will not be loaded on Highway Patrol computers.

G. Violations of any software agreements may create legal and financial liabilities for the Highway Patrol and the responsible individual.

H. Users are responsible for the safeguarding of their assigned equipment.

I. Questions concerning software usage should be directed to the District Commander.

7.1203 - Importing/Downloading Information and Software

A. Patrol personnel shall not download or install onto their issued MDC or network terminal any file, software, or other materials from the Internet or other external sources. This also includes sound and video files attached to electronic messages.

B. In no case shall external materials or applications be downloaded directly to any shared (network) drive.

C. Patrol computers shall not have games installed.

7.1204 - Networked Computers

A. All PCs connected to the state system shall maintain a high level of security. When a user is away from their desk they will utilize a password protect screen-saver or physically lock their workstation.

7.1205 - Passwords

A. Passwords and IDs used to access any computerized system are confidential and shall not be written down or shared with other personnel without prior written permission from the District Commander.

B. The Highway Patrol systems administrator and Bureau of Information and Telecommunication (BIT.) may conduct an annual audit of the Highway Patrol computer system to verify all passwords, IDs, access codes, or access violations and submit a letter to the Assistant Superintendent by February 1. The letter should address any violations discovered or lack of violations along with the recommendations for maintaining the integrity and security of the computer system.

7.1206 - Mainframe Usage

A. Software and data residing on the state's mainframe or an agency's computer are the property of the agency responsible for the data. Use, alteration, or deletion of the software or data by any unauthorized personnel is prohibited. Therefore, all connections to the mainframe either cabled or via a communications link, must have written approval by the department's information services section and the agency being connected to.

7.1207 - Mobile Data Computer Care and Usage

A. MDCs utilize cellular signals the same as cellular telephones. Proper procedures will be maintained with the MDCs as with the cellular phone.

B. The state data card shall only be used by Highway Patrol personnel in their state issued MDC.

C. When starting a tour of duty with an MDC equipped vehicle, Patrol personnel will notify Dispatch they are in service (10-8) and then log on to their MDC using their assigned password. The same procedure will be used at the end of the shift; Patrol personnel will notify Dispatch they are out of service (10-42) and then log off their MDC.

D. The information obtained through the use of the MDCs will be treated with the same security measures as that obtained through fixed terminal locations. Officers will take reasonable steps to ensure unauthorized persons and vehicle occupants do not view the displayed data.

E. Assigned users will log into the RMS at the beginning of each shift. Officers will also check in verbally with Dispatch.

F. Information inquiries with the MDC will only be used to conduct department business.

G. The MDC will not be used by the driver while the vehicle is in motion. Voice activated functions and use of the MDC by a passenger will be allowed if it does not interfere with the safe operation of the vehicle.

H. Patrol personnel receiving NCIC/10-29 hits will contact Dispatch and have them verify that the hit is valid.

I. Electronic messaging with the MDC will only be used to conduct department business. Electronic messaging shall not be used in place of the state e-mail system.

J. All provisions of the Bureau of Information and Telecommunications computer-email-internet use policy shall be adhered to by each employee. They may be viewed at <https://bit.sd.gov/policies/docs/Technology%20Use%20Policy.pdf>

K. Violations of any of these provisions may result in disciplinary action.

7.1208 - In the event an officer experiences problems with the MDC, the following procedure should be used:

A. Contact the Assistant District Commander in charge of administrative operations for initial assistance.

1. If the Assistant District Commander in charge of administrative operations is not working, the officer should contact their immediate supervisor.

2. The officer experiencing problems should check with other officers in the District to see if they are experiencing problems with their MDC

3. If, after a reasonable time the system is not functioning, the Assistant District Commander in charge of administrative operations should contact the BIT. HELP desk for assistance.

4. If the MDC is down for an extended period of time, officers will notify their supervisor prior to ending their tour of duty.

5. If an MDC data card is in need of repair, the officer should contact the Assistant District Commander in charge of administrative operations for assistance. The Assistant District Commander in charge of administrative operations will forward data card problems to Division Headquarters.

7.1209 - Computer Files - Backup and Storage

A. The Highway Patrol network will be backed up at the end of each working day.

B. Programs that reside on the Bureau of Information and Telecommunications system will be backed up in accordance with their policy.

7.1210 - Removable media such as a diskette or a USB flash drive that will be used away from the State-controlled technology environment. Situations will arise where a USB flash drive is used in a home PC that is owned by the State or not owned by the State; another scenario that will arise is a diskette is used in a computer owned by a customer or a vendor. Before the removable media can interface with the State technology infrastructure again, virus scans or integrity checks must be done against the media.

7.1211 - Computer and digital media disposal and destruction

Highway Patrol computers and digital media will be destroyed and disposed of in accordance with BIT policy.

7.13 - EMERGENCY VEHICLE OPERATION (EVO) TRAINING AND QUALIFICATION

7.1301 - The EVO training and qualification program shall be conducted under the direction of the Superintendent, and will be supervised by the EVO appointed supervisor. The types of courses to be driven will be designed by the instructors. Course design will simulate as best as possible, actual road and driving challenges encountered regularly. All officers shall meet the qualification standards established by Division for their assigned patrol vehicle.

7.1302 - Qualification shall include training in the legal, actual use of emergency vehicles; safety in driving; and proficiency in the use of the assigned vehicle.

7.1303 - EVO training shall take place at the established EVO location. Documentation shall include the name of the officer(s), date and course(s) driven, score or proficiency level, and any remedial training provided. This documentation shall be forwarded to the Division staff assistant in charge of training.

7.1304 - EVO instructors shall be appointed by the EVO appointed supervisor and approved by the Superintendent. The number of instructors shall be in accordance with the needs of the instructor cadre and should be balanced between the Districts. Officers selected shall have the necessary qualifications and abilities to fulfill the role of an instructor and shall

successfully complete an accredited EVO instructor course upon selection as an instructor.

7.1305 - All officers should qualify with the Division assigned patrol vehicle. The qualifications schedule should be based on a two year rotation.

7.14 - EMERGENCY VEHICLE OPERATION - FAILURE TO QUALIFY

7.1401 - Any officer, who, on any of the qualifications, does not achieve a passing score on the qualification attempt, will be entitled two additional attempts during the qualification period. If either attempt is equal to or higher than a passing score, the officer will have qualified. If the score is less than a qualifying level, the officer will have failed the qualification standard.

7.1402 - Any officer, who fails the qualification standard, shall be placed on administrative leave by the District Commander. The District Commander shall schedule a remedial training session and qualification within five working days. After the remedial training, the officer will have two attempts to meet the qualification score.

7.1403 - Upon conducting the remedial training session, any officer not achieving a passing score on the first attempt will be entitled to one additional attempt during the qualification. If the second attempt is equal to or higher than a passing score, the officer will have qualified. If the score is less than the qualifying level, the officer will have failed the qualification standard. Division will terminate any officer who fails to meet the qualification requirements in the final two attempts.

7.1404 - The District Commander and division staff assistant in charge of training are required to document and keep a record of remedial training sessions to include:

- A. Outline of the remedial training provided
- B. Number of attempts
- C. Progress of the officer during the remedial training
- D. Scores and times.

7.15 - PUSH BUMPERS

7.1501 - Push bumpers installed on division vehicles will only be used to facilitate emergency removal of vehicles from the roadway and to assist disabled motorists. Extreme caution and sound judgment will dictate the proper use to avoid creating a hazardous situation which could result in personal injury or property damage.

7.1502 - Disabled vehicles shall be pushed to a safe location only in circumstances when the vehicle is obstructing the traveled portion of the roadway or its location constitutes a hazard; and the pushing can be accomplished safely and in accordance with this policy. Division vehicles shall not be used to tow or push disabled vehicles to service stations, garages, telephones or other extended distances.

7.1503 - The following shall be determined prior to pushing a disabled vehicle:

- A. The vehicle is inoperative and pushing is the preferred alternative.
- B. The driver is properly licensed and able to control the vehicle.
- C. The driver of the vehicle being pushed is fully aware that, if the engine is not running and the vehicle is equipped with power-assisted steering and brakes, unusual force will be required to turn or stop the vehicle.
- D. Neither vehicle is likely to sustain structural or mechanical damage as a result of pushing.

7.1504 - The following provisions shall be adhered to when pushing a disabled vehicle:

- A. Emergency lights and video camera shall be activated;
- B. The speed of either vehicle shall not exceed 15 MPH;
- C. Officers shall exercise due care to avoid any property damage or injury;
- D. Ensure the driver of the disabled vehicle understands where the vehicle is being pushed;
- E. Ensure the driver of the disabled vehicle has unlocked the steering wheel and has placed the vehicle in neutral;
- F. Verify safe and adequate contact between the push bumper of the police vehicle and the bumper of the vehicle being pushed;
- G. Break off contact with the disabled vehicle prior to any turning movements or driving over any bumps or dips in the roadway to avoid vehicle damage; and,
- H. If a vehicle cannot be safely pushed from the roadway, consideration should be given to pushing the vehicle by hand or requesting assistance from a tow truck.

7.1505 - The push bumper shall not be used as a tow point to assist in removing the vehicle from a ditch or median.

7.16 - Window Tint

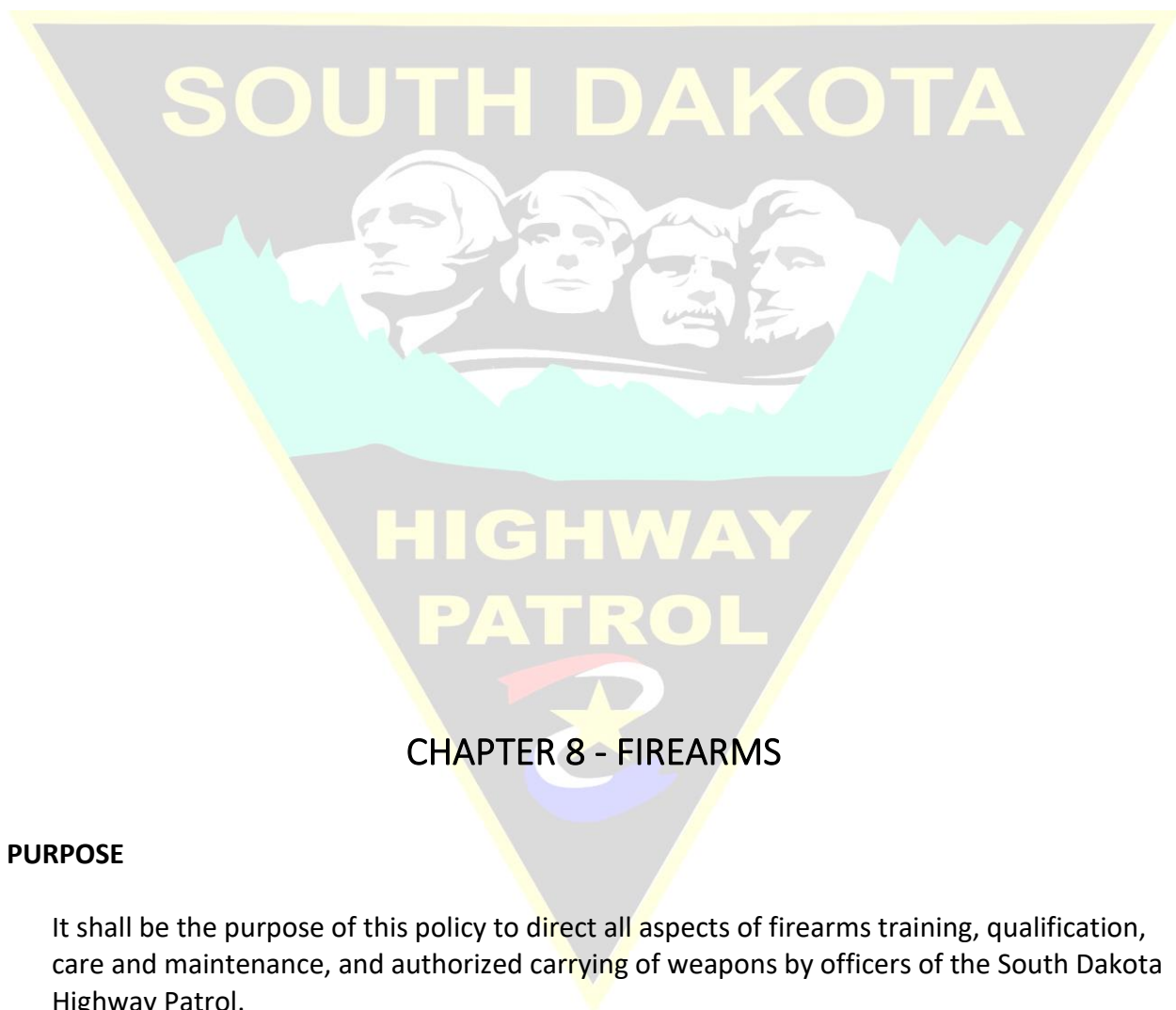
7.1601 - Uniformed members may tint the windows on their Division issued vehicle in accordance with SDCL 32-15-2.3 and 32-15-2.4. No portion of the windshield may be tinted. Uniform members electing to tint the windows of their Division issued vehicle shall do so at their own expense after approval by their District Commander. Personnel may only use experienced installers approved by their District Commander or his designee.

7.1602 - Uniform members shall be responsible for the condition of the window tint throughout the life cycle of the vehicle to include at time of turn in. Poor installation, bubbles, cracks, or other defects that create a vision obscurement or detract from the appearance of the vehicle shall be reason for the uniform members to be ordered to remove the tint from the vehicle and restore the vehicle's windows to their original condition, including removal of adhesive.

7.1603 - There shall be no reimbursement due the uniform member for the cost of the window tint, installation, or removal for any reason, including ordered removal or vehicle reassignment. This includes damage from prisoners, state owned equipment or other factors that can cause damages to tint.

7.1604 - Uniform members who are issued a slick top patrol car may not install tint over emergency lighting. Regarding the rear traffic advisor tint shall not be applied to obscure or decrease the performance of that or any other lighting. In most cases this will translate into not tinting the lower six inches of the rear window on a sedan or the upper six inches of the rear window on a utility vehicle.

7.1605 - Division may authorize window tint under SDCL 32-15-2.3 and SDCL 32-15-2.4 for special service vehicles such as PSD, protective services, or other uses as determined by the Superintendent or his designee at the expense of the state.



CHAPTER 8 - FIREARMS

PURPOSE

It shall be the purpose of this policy to direct all aspects of firearms training, qualification, care and maintenance, and authorized carrying of weapons by officers of the South Dakota Highway Patrol.

POLICY

It is the policy of the South Dakota Highway Patrol that officers demonstrate a level of proficiency known as qualification, for each issued firearm. Officers will provide proper care and maintenance for all issued firearms and will use only approved ammunition. Also, officers shall seek approval and demonstrate a level of proficiency (known as qualification) with any privately owned firearm used by the officer on duty.

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8.1 – AUTHORIZED FIREARMS

8.101 - No uniformed member of the South Dakota Highway Patrol, in the normal exercise of duties, may carry any firearms or ammunition other than those issued or approved by the Superintendent.

8.102 - The Division owned Sig Sauer .40 caliber model P226 is the primary sidearm for uniformed members of the South Dakota Highway Patrol. All members will qualify with the Sig Sauer .40 caliber model P226 three times a year as outlined in 8.1207. Magazines for the P226 will be fully loaded with current issued duty ammunition. The Superintendent may also authorize Division and District members to carry a Division issued sidearm or privately owned sidearm other than the P226 for special assignments. In these instances, the approved sidearm will be considered the primary sidearm. Before authorization of the carrying of such approved sidearm, the officer will fire course #101. An approved sidearm must meet the following requirements:

1. Caliber of .22 or larger
2. Inspected by a Division qualified firearms instructor.
3. Registered with Division by make, model, serial number and caliber.

8.103 - Officers will ensure that any holster utilized is in good condition with adequate retention set for that model holster and that all magazine carriers are also in good condition. All magazines will be loaded to full capacity. Officers working a special assignment will ensure they carry at least one spare magazine as well as handcuffs.

8.104 - Uniformed members may carry a backup handgun while on-duty. A backup handgun is defined as a firearm carried by the officer in addition to the primary sidearm. Before authorization of the carrying of such approved sidearm, the officer will fire course #101. The firearm must meet the following requirements:

A. Caliber of .22 or larger.

B. Inspected by a Division qualified firearms instructor.

C. Registered with the Division by make, model, serial number and caliber.

8.105 - When assigned duties requiring civilian attire or special assignment attire, officers shall wear a Division owned or a Division approved firearm. If the sidearm is worn plainly visible to the public, then a Division badge will also be worn plainly visible to the public. If the sidearm is concealed; then so the badge be concealed. A badge and Division identification card shall be carried at all times when an officer on such duty status.

8.106 - Officers may carry a Division owned sidearm when off-duty. However, when wearing a Division sidearm off-duty, the firearm shall not be visible to the public. The member shall always carry a badge and identification whenever carrying the Division owned sidearm.

8.107 - Officers shall be armed with an approved sidearm whenever operating a Division owned vehicle.

8.108 - Officers shall carry the Division owned M16/M4 rifle and 12 gauge less lethal shotgun in the Division vehicle while on-duty.

8.109 - Officers shall be issued Division owned rifles and less lethal shotguns. Officers shall demonstrate proficiency and safety during annual rifle and less lethal shotgun qualification sessions.

8.110 - Officers of the SWAT Team may be issued Division owned submachine guns. If a SWAT Team member is issued a submachine gun, it will be carried in the Division vehicle while on-duty. SWAT Team members shall demonstrate proficiency and safety during annual qualification sessions in accordance with SDHP Policy 8.1307.

8.2 - CARRYING OF FIREARMS

8.201 - Officers shall always be aware of the legal and moral limitations governing the use of firearms. Good judgment and approved safety practices shall be exercised at all times in

the handling and use of weapons.

8.202 - Less lethal shotguns and rifles carried in the Division vehicle shall be kept in a safe accessible location, out of plain view to the general public. The rifle shall be maintained with the magazine fully loaded and the safety activated. If the patrol vehicle is equipped with a gun lock, the rifle shall be secured in that location. A live round is placed into the chamber of the rifle only when events suggest the possibility the weapon may be needed.

The less lethal shotgun shall be maintained with the weapon unloaded until the possibility the weapon may be needed. The less lethal shotgun shall be stored in the trunk or rear of the patrol vehicles not equipped with a trunk.

8.203 - Before permanent issuance of a Division less lethal shotgun, rifle, and submachine gun or chemical agent weapon, officers must be trained, and qualified by a Division qualified firearms instructor. Qualification shall ensure the officer is proficient with the respective weapon.

8.204 - No officer shall leave any firearms in an unlocked Division vehicle which is unattended and out of sight of the officer.

8.205 - No officer shall permit any person, other than a law enforcement officer, to borrow or use a Division issued firearm.

8.206 - At the conclusion of an incident where an officer has engaged a pistol, less lethal shotgun, rifle, chemical agent weapon or submachine gun, the weapon will be rendered safe prior to leaving the immediate scene.

8.207 - Officers may disarm themselves before testifying in court unless otherwise instructed by the Court. Disarming will be accomplished out of sight of the general public and the weapon shall be secured in a safe place.

8.208 - Officers are prohibited from the consumption of alcoholic beverages when off-duty if they are carrying any state owned or personal weapon along with the badge and department identification.

8.209 - Off-duty officers may elect to carry a personally owned weapon not qualified or registered with the Division. However, they do so outside of the scope of their employment and umbrella of liability protection. They must adhere to federal and state law, SDCL 22-14. If electing to carry these personal weapons, the officer shall not carry their badge or department identification.

8.210 - In the event of an unintentional discharge of a weapon, the involved officer shall submit a written report to the District Commander detailing the circumstances of the incident. The District Commander shall review the reports from the officer and determine if remedial firearms training or a disciplinary action should be initiated. The District Commander shall forward their findings to the Superintendent for final disposition.

8.3 - CARRYING OF FIREARMS OFF DUTY

8.301 - The purpose of the policy is to adopt safety directives and guidelines for dealing with the carrying of firearms while in an off-duty status and for dealing with an officer's duty and responsibility to take action in response to criminal activity while in an off-duty status.

8.302 - Under Federal Law sworn law enforcement officers are allowed to possess a concealed firearm anywhere in the United States (HR 218). Officers should be aware that while this law exempts them from laws prohibiting such possessions, it does not give them police powers of any type outside of their jurisdiction. As such, an officer will generally be limited to the self-defense provisions of the state they are traveling through once outside their own jurisdiction; thus the officers rules of engagement are extremely limited.

8.303 - A uniform member who becomes aware of an incident that poses a threat of serious bodily harm or death to some individual shall take "action" to minimize the risk of serious bodily harm or death. "Action" under this provision is fulfilled by reporting the incident and shall not require the officer to place him or herself in a position of peril. An officer who is faced with such a circumstance should act in accordance with the guidelines as spelled out in policy.

8.4 - PRESENTATION OF FIREARMS

8.401 - Whenever an officer presents a weapon for inspection, the firearm shall be cleared in a safe location in a safe manner consistent with training to include:

A. For the sidearm, while keeping the muzzle pointed in a safe direction, keep all fingers off the trigger, remove the magazine, and then lock the action open. While still keeping the muzzle pointed in a safe direction and protecting the trigger, visually and physically inspect the chamber and magazine well. Once the weapon is deemed empty, while still protecting the trigger, grasp the sidearm from the top (slide), and present the grip of the sidearm to the officer doing the inspection.

B. For the less lethal shotgun and bolt action rifle activate the safety if applicable, keep the muzzle pointed in a safe direction, keep all fingers off the trigger, open the action and download the magazine. While still keeping the muzzle pointed in a safe direction, visually and physically inspect the chamber and magazine well. Once the gun is deemed empty, while still keeping the muzzle pointed in a safe direction and protecting the trigger, present the firearm to the officer doing the inspection.

C. For the AR-15 patrol rifle, activate the safety, point the muzzle in a safe direction, keep the fingers out of the trigger, and remove the magazine. Lock the action open, and while still keeping the muzzle pointed in a safe direction and protecting the trigger, visually and physically inspect the chamber and magazine well. Once the weapon is deemed empty, while still pointing the muzzle in a safe direction and protecting the trigger, present to the officer doing the inspection.

8.5 – DUTY READY FIREARMS

8.501 - The sidearm will be loaded with care to include pointing the muzzle in a safe direction and protecting the trigger. The sidearm will have a duty round in the chamber. The magazine shall be removed, reloaded with a total of 12 rounds, and reinserted into the magazine well. A total of 12 rounds shall be carried in the weapon at all times. All magazines will be loaded with current duty ammunition. Officers will inspect their magazine holder and gun holster for proper function and safety.

8.502 - For carry in the patrol car, the less lethal shotgun will have the action closed on an empty chamber and safety in the on position. The magazine tube will be **unloaded** from the bottom with care to keep the muzzle pointed in a safe direction and fingers off the trigger. The less lethal shotgun will be carried empty with no rounds in the chamber or magazine.

8.503 - The semi-automatic patrol rifle will be carried in the patrol car without a round in the chamber and the bolt forward. The dust cover will be kept closed. Loading of the patrol rifle will be done with care to include pointing the muzzle in a safe direction and protecting the trigger.

8.6 - CARE AND MAINTENANCE OF FIREARMS

8.601 - Each officer shall be responsible for the care and cleaning of all Division issued firearms, including keeping them clean, properly lubricated, free from harmful elements and in serviceable condition which ensures availability for immediate use.

8.602 - Officers are prohibited from altering any part of a Division owned weapon. Firearms requiring repair or service shall first be inspected by a Division authorized armorer and

repaired if possible. If service or repair cannot be accomplished by a Division armorer, it shall be delivered to Division Headquarters along with a report describing the problem or defect. Division shall deliver the defective firearm to an authorized factory repair facility.

8.603 - For any repair or report of malfunction of a firearm or ammunition, a Firearm/ Ammunition-Repair/ Malfunction- Report will be filled out by the armorer. A copy will be sent to the Division Lead Firearms Instructor and kept on file within the RMS.

8.604 - A replacement firearm shall be issued to any officer who reports any problem, malfunction or defect with any issued firearm, unless repaired by a Division armorer. The officer's respective District Administrative Lieutenant will assign the replacement weapon to the officer in RMS.

8.605 - Supervisors shall cause frequent inspection of all firearms assigned to officers under their supervision to guarantee the condition, care and reliability of the firearms. Additionally, each firearm shall be inspected annually by a Division armorer.

8.606 - When an officer presents a firearm for inspection, they should do so in a safe manner consistent with training and procedures.

8.607 - The District administrative lieutenant will ensure the Division issued sidearm, patrol rifle, and less lethal shotgun are inspected on a regular basis at squad meetings. The inspection will include cleanliness, proper function, and proper ammunition.

8.7 - RANGE SAFETY AND CONDUCT OF FIRING

The following range rules shall apply to all officers during training or qualification shooting conducted under the direction of a department firearm instructor, on behalf of the Highway Patrol.

8.701 - Every precaution shall be taken to prevent unintended discharge of a weapon. Firearms shall be frequently inspected to ensure all safety devices are functioning correctly.

8.702 - Only firearm instructors and those engaged in firing a course will be on the firing line. Other personnel shall remain well behind the line and not interfere with those on the line.

8.703 - When not on the firing line, firearms will be carried, in a holster, slung or in a case. Any long guns not on the firing line will either be put on safe and slung, grounded, or

cased. Any gun that is grounded or cased will first be downloaded on the firing line to an empty condition.

8.704 - Except for those firearms of officers actively shooting a course of fire, No firearms will be inspected, cleaned, maintained, or handled on the range, with the exception of doing such in a secure area such as a range house. Officers intending to inspect, clean, or maintain a firearm will first see the range master. They will be directed to the firing line to make the firearm safe and will then holster or case the firearm. The officer will then be permitted to remove the firearm to the designated secure area for inspection, cleaning, or maintenance.

8.705 - Officers on the line of fire shall obey all commands issued by firearm instructor(s). Everyone is responsible for safety on the line. At any time, any officer may call a "cease fire" for an unsafe situation. If a "cease fire" is called, all officers shall immediately stop firing and go to a "ready gun position" and await further commands.

8.706 - A District firearm instructor shall be present during all firearm qualifications, as well as any directed firearm exercise. Officer(s) may practice on-duty or off-duty at ranges. When doing so the officer(s) will be responsible for safety during these practice sessions.

8.707 - At the completion of any firearm exercise or practice, at any range, the brass will be picked up and disposed of as directed by the firearm instructor. A complete inspection of the range thereafter will take place to assure the condition of the range before leaving.

Conduct of Fire

8.708 - Officers shall prepare before going to the firing line. This shall include removing service ammunition, if applicable. All magazines will be loaded as directed by the firearm instructor. Magazines will be placed in a magazine pouch or a pocket.

8.709 - On command, the relay of officers will take their position on the firing line. The remaining officers may be given instructions by a firearm instructor during this period.

8.710 - Officers on the firing line will load their firearm only after the command to "load" has been given. After the command to load, the firearm will be returned to a holster or held at a "ready" position, depending upon the course of fire or type of firearm being fired. Any time after the command to "load" has been given, the line shall be considered "live."

8.711 - Once a weapon is loaded, officers shall remain on the firing line until released from

the firing line by a firearms instructor. Side arms will be holstered or cased. Rifles will be slung if possible and carried with chamber open and muzzle pointed down at the ground.

8.712 - Once the line is "live," officers shall not go forward of the line, or retrieve anything dropped on the ground unless instructed by a firearm instructor.

8.713 - When it is necessary for an officer to replenish ammunition in a magazine that is seated in a holstered sidearm, the magazine shall be released from the weapon without taking the weapon from the holster.

8.714 At any point in a course of fire, any firearms instructor or shooter may raise their hand and declare the line "Not Safe". The instructor calling the course of fire will call for a Cease Fire. All shooters will go to ready gun and await further direction. The closest firearms instructor will approach the officer that declared the line not safe and remedy the situation.

8.715 The command of "Cease Fire" means shooters will stop firing and go to ready gun, unless otherwise instructed.

The command of "Is the Line Ready" may precede a string of fire. If a shooter is not ready for the next string of fire, then they will raise their hand and declare "Not Ready".

The command of "Make the Line Safe" means to holster or sling the firearm. Sidearm will be decocked when applicable. Rifles will be placed on safe. This command will precede any movement off line.

8.8 - AMMUNITION, GENERAL

8.801 - Only Division authorized new or remanufactured factory ammunition is authorized for any firearm. No officer will carry or use personal or private hand loaded ammunition for duty or off-duty firearms as specified in this article.

8.802 - Only approved less lethal rounds may be carried in Division issued less lethal shotguns.

8.803 - Division shall furnish service and practice ammunition in amounts necessary to maintain annual training and qualification programs. Allotments of ammunition will be made to the Districts. No ammunition will be furnished by the Division for qualification firing with a personal firearm. Ammunition issued to an officer shall become their responsibility and shall not be traded or given away. Issued ammunition shall be checked

and accounted for during line inspection. All surplus ammunition shall be returned to District for reissue.

8.804 - The District administrative lieutenant shall, no later than November 30 of each year, provide Division with a complete inventory of all ammunition in stock at the District office and in possession of each officer in the District. The report should also include an estimate of the District's ammunition need for the coming year, and should take into consideration requirements for service ammunition, training and qualification firing.

8.805 - Each District will be responsible for returning to Division Headquarters empty brass cartridges. The District will make every attempt to return as much brass as possible.

8.806 - Division will furnish lead free ammunition, when necessary for practice or qualification, at the request of members who are pregnant.

8.9 - AMMUNITION, SERVICE

8.901 - Each officer will be furnished with 50 rounds of .40 caliber service ammunition. This ammunition will be carried for on-duty service use only. Service ammunition will be replaced annually. The previous year's service ammunition will be used to fire the first qualification.

8.902 - Each District will maintain a minimum supply of 500 rounds of .40 caliber service ammunition at all times.

8.903 - Each officer issued a semi-automatic rifle will be issued 50 rounds of .223 service ammunition.

8.904 - Each District will maintain a reserve of 1000 rounds of .223 service ammunition and 500 rounds of 12 gauge less lethal ammunition at all times.

8.905 - SWAT Team members issued bolt action .308 rifles will receive 500 rounds of ammunition each year. This ammunition will have the same lot number and be used for required monthly training, designated team training and annual qualification. A service reserve of 20 rounds will be set aside from this yearly allotment.

8.10 - AMMUNITION, PRACTICE

8.1001 - Ammunition for training purposes will be issued to each District. The ammunition will be utilized in firearms programs that meet the requirements set out in this

article. Additional ammunition will be available from Division upon request. Each District will be issued a sufficient supply of ammunition to be used in training or qualification firing which may be prescribed by the Superintendent.

8.1002 - Officers may request ammunition for the purpose of practice. This request will be made to the officer's immediate supervisor. The supervisor will approve or deny the request depending if it meets with Division's firearm training goals. Officers receiving practice ammunition shall return empty brass commensurate for the amount of practice ammunition received.

8.11 - TARGETS AND TARGET SCORING

8.1101 - Each District shall secure an adequate supply of targets to be used in carrying out required firearms training and qualification firing. Supplies will be secured from Division Headquarters and stored at each District office.

8.1102 - All qualifying courses will be fired on targets prescribed by Division Headquarters.

8.1103 - Scoring will be in accordance with the National Rifle Association rules.

8.1104 - A shot hole, the leading edge of which comes in contact with the outside of the scoring ring of the target, is given the higher value. In cases of keyhole tipping or skid shots, the value shall in no case exceed the value of one ring higher than the first point of impact with the paper.

8.1105 - Only those hits which are visible, or in the judgment of the firearm instructor having passed through the same hole, will be scored.

8.1106 - Hits outside the scoring rings are scored as misses.

8.1107 - Hits on the wrong target are scored as misses.

8.1108 - If any shots are fired before the command to "Fire," or after the command "Cease fire," the shots of highest value equal to the number fired in error shall be scored as misses.

8.1109 - No claim for a defective cartridge shall be allowed if the bullet has left the barrel. A defective cartridge is one which has such evident structural defect as to cause a malfunction, which bears an impact of the firing pin on the primer, or in which the bullet has not left the barrel.

8.1110 - If more than the required number of hits appears on the target, and the extra hits came from another officer, the officer with extra hits has two options. First the officer may accept the lowest score given the correct number of hits that appears on the target. Or the officer may re-fire the qualification course. If the officer re-fires the course the score of record may not exceed the score of the highest score taken of the correct number of hits on the first target.

8.1111 - If an officer fires less than the prescribed number of shots with no alibis, and there are more hits on the target than fired shots, the target shall be scored by the number of shots of the highest value equaled to the number fired and shall be given a miss for each unfired round.

8.1112 - Firearm instructors will resolve any dispute in scoring. Reasonable doubt in scoring shall be resolved in favor of the shooter.

8.1113 - It shall be the responsibility of the officer to verify the score before leaving the target line.

8.1114 - For qualifying purposes, officers will not score their own target. If officers score the targets, they shall score the target to the right of their target. Firearm instructors shall verify all scores on all qualification targets for record.

8.12 – TRAINING AND QUALIFICATION FIRING

8.1201 - The firearms training and qualification program shall be conducted under the direction of the Superintendent and will be supervised by the District Commanders through the firearms instructor(s). The type of courses to be fired will be designated by the Superintendent. All officers shall meet the qualification standards established by Division for all issued or authorized personal weapons the officer may carry

8.1202 - Qualification shall include training in the legal, moral and ethical aspects of firearms use; safety in handling firearms; and proficiency in the use of firearms.

8.1203 - Firearms training or practice shall take place at a safe location. All on-duty training shall be documented. Documentation shall include the name of the officer(s), date and time of day, course(s) of fire, rounds expended, score or proficiency level, type of target, and any remedial training provided. This documentation shall be forwarded to the District Commander.

8.1204 - Officers may practice on off-duty time. Practice must be conducted in a safe manner and at a safe place as determined by the individual officer.

8.1205 - Firearms instructors shall be appointed by the Superintendent or his designee. The number of firearms instructors shall be in accordance with the needs of the District and Division. Officers selected shall have the necessary qualifications and abilities to fulfill the role of an instructor and shall successfully complete an accredited firearms instructor course upon selection as an instructor.

A. Officers designated as firearms instructors in 8.1205 shall be required to demonstrate proficiency with Division issued firearms, firearms related knowledge, and firearms policy. Proficiency will be demonstrated by achieving a minimum qualifying standard of 85% on qualification courses, and a minimum of an 85% score on written examinations administered by the training section. Officers failing to demonstrate proficiency will not act as instructors until they can meet the proficiency standard.

8.1206 - Practice and qualification records shall be forwarded by the District to Division Headquarters using the prescribed format. Additionally, the District shall maintain a file record in order to account for expended ammunition.

8.1207 - All officers shall qualify with the Division Sig Sauer .40 caliber P226 three times annually. The firearms qualifications schedule shall be based on four-month intervals. The first qualification shall be fired on SDHP course #101 between July 01 and October 31. The second qualification shall be fired on SDHP course #102 between November 01 and February 28. The third qualification shall be fired on SDHP course #103 between March 01 and June 30.

8.1208 - Districts shall record in the RMS the first qualification results for the District by November 15, the second qualification results by March 15, and the third qualification results by July 15 of each year.

8.1209 - In addition to the three qualifications, each officer will participate in two firearms training sessions. These training sessions will be tactically oriented emphasizing elements along the lines of use of cover, decision-making, use of force, stress shooting, and other contemporary firearms training. The training courses shall be approved by and may vary at the discretion of the Superintendent.

8.1210 - Districts shall record all firearms training into the RMS.

8.1211 - All officers who are authorized to carry a privately owned primary sidearm in place of the P226 will qualify on SDHP course #101. This can occur anytime during the year, but

must be done before an officer is authorized to carry the sidearm. Any officer failing to qualify will not be authorized to carry the firearm.

8.1212 - All officers who are authorized to carry a back-up firearm shall qualify annually on course #101. This can occur anytime during the year but must be done before an officer is authorized to carry the sidearm. Any officer failing to qualify will not be authorized to carry the firearm.

A. Districts shall document all sidearm qualifications in the RMS.

8.1213 - Officers who are issued or assigned Division owned less lethal shotguns shall qualify annually on SDHP less lethal course. Officers who are issued or assigned Division owned patrol rifles or submachine guns shall qualify annually on SDHP course #105 between July 01 and October 31.,

8.1214 - Officers shall use appropriate eye protection and hearing protection while firing any course of fire.

8.1215 - Each stage of qualification involving a Division issued sidearm shall begin with the weapon secured in its holster. The hand of the qualifying officer will not touch the handgun until the command of "fire" is given.

8.1216 - At the completion of all strings of fire, officers will initiate a 360-degree scan prior to their next move.

8.13 – QUALIFICATION LEVELS AND COURSES OF FIRE

8.1301 - All qualifications will be conducted under the direction of a Highway Patrol firearm instructor(s).

8.1302 - The minimum qualifying standard for a Division issued sidearm is 38 hits out of 50 for course #101 and 80% on all other qualification courses of fire.

8.1303 - The minimum qualifying standard for a Division issued semi-automatic rifle, for a 250 point, 50 round course of fire will be a score of 200 points.

8.1304 - SWAT Team members shall maintain a minimum qualifying standard of 90% of the total score.

8.1305 - All shot values will be scored as follows:

A. Sidearm - Shot values for sidearm qualifications shall be according to the scoring ring of the target where the shot lies.

B. Semi-automatic rifle - Hits in the X, 10, 9, and 8 rings will be scored as 5 points. Hits in the 7 ring will be scored as 4 points. Hits that completely touch the silhouette will be scored as 2 points. Hits that miss or only partially touch the silhouette will be scored as a miss with no point value.

8.1306 - SWAT Team Members will additionally qualify on the SWAT Rifle Qualification Course.

8.1307 - SWAT Team Members will be required to fire the SWAT Rifle Qualification Course at least two times per calendar year with one of those used as the official qualification. Individual SWAT Team Members will be required to obtain a score of 90% during the qualification.

8.1308 - SWAT Team Candidates shall fire the SWAT Rifle Qualification Course during SWAT tryouts with a minimum passing score of 85%.

8.1309 - SWAT Team Candidates selected to the SWAT Team will be required to pass the SWAT Rifle Qualification Course with a score of 90% within six months of their appointment to the SWAT Team.

8.14 – FAILURE TO QUALIFY

8.1401 - Any officer, who does not achieve the minimum qualifying standard on the first qualification attempt, will be entitled to a re-fire during the qualification shoot. If the second attempt is equal to or higher than the minimum standard, the officer will have qualified. If the scores are less than a qualifying level, the officer will have failed the qualification standard. Only two attempts are to be fired per date.

8.1402 - Any officer, except for SWAT Team qualifications, not achieving the minimum qualifying standard on their first two attempts shall make themselves available for remedial training. The District Commander shall schedule remedial firearms training and another qualification attempt within five working days. After the remedial training, the officer will have two attempts to achieve the minimum qualifying standard. If the officer does not achieve a passing score on either of these two attempts, the officer will be placed on administrative leave and more remedial training will be scheduled and within five days the officer will attempt to qualify again.

8.1403 - Upon conducting the last remedial firearms training, the officer will be scheduled to attempt to qualify again and be given two more attempts. If the officer does not achieve a passing score on either of these two attempts, the officer will have failed the qualification standard. Division may terminate any officer who fails to meet the qualification requirements on the third scheduled qualification.

8.1404 - The District Commander and a District firearms instructor are required to document and keep a record of remedial training sessions to include:

- A. Outline of the remedial training provided
- B. Number of rounds fired
- C. Progress of the officer during the remedial training
- D. Scores shot

8.1405 - If a member of the SWAT Team does not meet the pistol qualification standard for team members, the District Commander will notify the SWAT Team leader. The team leader will place the member on a probationary status. During this time the team member will not be activated in the event of a team call-up. The SWAT Team leader shall schedule a remedial firearms training session within 5 working days. After remedial training, the team member will have one attempt to meet the team qualification standard.

8.1406 - If a member of the SWAT Team does not meet the qualification standard for any special team firearm, the team leader will place the member on a probationary status. During this time the team member will not be activated in the event of a team call-up. The SWAT Team leader shall schedule a remedial firearms training session within 5 working days. After remedial training, the team member will have one attempt to meet the team qualification standard. If the team member fails to meet the qualification standard during the next attempt, they will remain on the team; however, they will not be assigned the type of weapon which they failed to qualify.

8.1407 - SWAT Team members, failing a second qualification, will be placed on SWAT Probation for a period of six months. Failure to meet firearms qualification following the six-month SWAT Probation or on a continued basis may result in dismissal from the SWAT Team and reduction in rank if applicable.

CHAPTER 9 – USE OF FORCE AND AUTHORITY

9.01 - PURPOSE

The purpose of this directive is to establish policy and procedures for the use of deadly and non-deadly force by the officers of the South Dakota Highway Patrol.

9.16 - VEHICLE INVENTORY SEARCHES

9.1601 - An inventory is a procedure used to identify and list property that may be located in a vehicle, which is to be impounded or otherwise taken into police custody. In *South Dakota v. Opperman*, the U.S. Supreme Court held that it was permissible for officers to conduct such an inventory. Subsequent state court decisions have made it clear that the

police should not impound a vehicle as a pretext to conduct an investigatory search under the guise of an inventory.

9.1602 - The purposes for conducting inventory searches are: (1) to protect the owner's property while it remains in patrol custody; (2) to protect the officers of the Highway Patrol, and the State of South Dakota from claims or dispute over alleged lost, damaged or stolen property; (3) to protect the officer(s) from the potential danger of thieves entering the vehicles and stealing property contained therein; and (4) to determine whether the vehicle is stolen, and if so, to learn the identity of the owner.

9.1603 - It shall be the policy of the South Dakota Highway Patrol to inventory the contents of all vehicles either impounded or taken into protective custody by its members. The inventory should include all areas of the vehicle, trunk, glove compartment and luggage or other closed containers within the vehicle. Such inventory will be made on form HP-219D.

9.1604 - All vehicles must be inventoried whenever an officer makes a physical arrest of the operator and the vehicle is removed or ordered to be removed to a place of safe keeping. The actual inventory need not be done by the arresting officer, provided the rules of evidence are followed. Likewise, inventory must be made on abandoned vehicles, which are removed at the direction of an officer under authority of SDCL 32-30-13.

9.1605 - Vehicles found unattended and removed pursuant to SDCL 32-30-11, shall be inventoried. If the vehicle itself is locked, the officer will note any non-vehicle items in the interior that are within plain view.

9.1606 - Distribution of the vehicle inventory report form shall be in accordance with regulation 11.203. Pursuant to SDCL 32-30-19, if a custodial arrest of a motor vehicle operator is made, the guidelines for removal of the vehicle are:

- A. Officers should not drive the violator's vehicle to a place of safe keeping.
- B. Officers should not request Dispatch to landline friends or relatives to assist in removal of the vehicle.
- C. Passengers will be allowed to remove the vehicle, if the driver/owner gives consent and the passenger is a licensed driver. The passenger must not be under the influence of alcohol.
- D. Vehicles will not be left at the scene at the request of the driver/owner. If no driver is available (pursuant to subsection C), the vehicle will be towed to a place of safe-keeping.

E. Inventory procedures pursuant to this section will be followed.

9.17 - PAT-DOWN SEARCHES

9.1701 - Definitions

Pat-Down Search

A "frisk" or external examination of the outer garments of an individual for weapons only.
Reference Terry v. Ohio, 392 U.S. 1 (1978)

Reasonable Suspicion

Also known as articulable suspicion, is more than a mere hunch based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is being committed, or is about to be committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his/her training and experience, and/or reliable information received from credible outside sources.

9.1702 - An officer has the right to perform a pat-down search of the outer garments of a suspect for weapons if they have been legitimately stopped with reasonable suspicion and only when the officer has a reasonable fear for their own or another person's safety.

The right to stop the suspect for questioning does not automatically give the officer the right to conduct the pat-down search. Before a pat-down search may be conducted, there must be a separate, articulable basis for believing that the person who has been stopped may possess a weapon and may harm the officer.

9.1703 - When reasonable suspicion exists to perform a pat-down search, it should be performed with due caution and restraint. These searches are only justifiable and may only be performed to protect the safety of officers and others and may never be used to search individuals or groups of individuals or as a pretext for obtaining evidence.

9.1704 - Because pat-down searches are cursory in nature, they should be performed with the suspect in a standing position or with hands placed against a stationary object and feet spread apart. Should a weapon be observed, a more secure search position may be used, such as the prone position.

9.1705 - In a pat-down search, officers are only permitted to externally feel the outer clothing of the suspect. Officers may not place their hands in pockets unless they feel an

object that could reasonably be a weapon, such as a firearm, knife, club or other item.

9.1706 - If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack or other item that may conceal a weapon, the officer should not open the item but instead place it out of the suspect's reach.

9.1707 - If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer may only retrieve that item. If the item is a weapon, the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.

9.1708 - Pat-down searches should, if possible, be conducted by officers of the same gender as the suspect. The fact that an officer of the opposite gender pats-down a suspect does not necessarily invalidate the pat-down, but it may lead to contentions of civil rights violations and hence to civil liability.

If a trooper of the same gender is not immediately available, the trooper shall use means to minimize the physical intrusion of the person searched. Searches shall be conducted with the back of the hand, edge of the hand, or utilization of the baton, pen or flashlight rather than the palm of the hand.

9.18 - SEARCHING OF PRISONERS

9.1801 - Officers are responsible for their personal safety as they carry out their duties. Since there is a potential risk when taking suspects into custody, searching prisoners is a prerequisite to transporting. However, searches shall be within the rights guaranteed by the Constitution of the United States and laws of the State of South Dakota.

9.1802 - A complete search will be performed on all prisoners after handcuffing. Whenever possible, searches of prisoners should be conducted by at least two officers.

9.1803 - Searching members of the opposite gender is inherently intrusive. If possible, field searches shall be done by officers of the same gender as the person to be searched. If an officer of the same gender is not available, the officer shall limit their search to the waistband and any pockets accessible to the hands after handcuffing. Searches of persons of the opposite gender shall be conducted with the back of the hand, edge of the hand, or use of a baton, pen or flashlight rather than the palm of the hand. Purses, coats and other related objects may also be searched or retained.

9.19 - STRIP AND BODY CAVITY SEARCHES

9.1901 - Definitions:

Strip Search: Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces, associated with the genital areas, breasts and buttocks.

Body Cavity Search: Any search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity. This does not include a visual search of the mouth.

9.1902 - Individuals arrested for traffic violations and other minor offenses of a non-violent nature shall not be subject to strip searches unless the arresting officer has reasonable suspicion to believe that the individual is concealing weapons or contraband.

9.1903 - Field strip searches of prisoners shall be conducted only in the rarest of circumstances under exigent circumstances where the life of officers or others may be placed at risk, and only in privacy.

9.1904 - Where articulable, reasonable suspicion exists to conduct a strip search, searches should be conducted only in the following manner:

- A. By the fewest number of personnel necessary;
- B. By those of the same sex; and
- C. Under conditions that provide privacy from all but those authorized to conduct the search.

9.1905 - Following a strip search, the officer performing the search shall submit a written report to their immediate supervisor that details, at a minimum, the following:

- A. Date and place of the search;
- B. Identity of the officer conducting the search;
- C. Identity of the individual searched;
- D. Those present during the search;

E. A detailed description of the nature and extent of the search; and

F. Any weapons, evidence or contraband found during the search.

9.1906 - Body Cavity Searches

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe the suspect is concealing a weapon, evidence, or contraband within a body cavity, the following procedures shall be followed:

A. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.

B. The officer shall consult with their immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others and/or the security of detention facility operations.

C. If probable cause exists for a body cavity search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause.

D. On the basis of a search warrant, a body cavity search shall be performed only by an authorized physician or by other medically trained personnel at the physician's direction.

E. For safety and security reasons, the search shall be conducted at a detention facility or other authorized facility, such as a hospital.

F. Body cavity searches shall be performed with due regard for the privacy and hygienic concerns of the individual.

G. The authorized individual conducting the search shall file a report with the requesting law enforcement agency. The witnessing law enforcement officer shall co-sign that report.

CHAPTER 10 – SPECIAL ASSIGNMENTS

10.1 - COURT APPEARANCES

10.101 - A uniformed member shall report promptly for court at the time and place designated by the Court.

10.102 - A uniformed member shall testify on criminal cases in which they took part as a witness or as an investigating officer upon either the request of the prosecuting attorney or by means of a subpoena.

10.103 - Uniformed members shall not attend civil cases without a subpoena, unless when requested to appear in court as a result of duties incurred as a member of the Highway Patrol.

10.104 - Uniformed members who are issued a subpoena for a criminal trial outside of their patrol area will go in uniform and travel in the Division vehicle unless otherwise directed by Division or the District Commander. If the court is located in another state, out-of-state travel allowance will be paid. Upon receipt of a subpoena to appear on a criminal case in another state, Division and the District Commander will be notified immediately. The original subpoena or a copy, accompanied by a signed out-of-state travel voucher, will be sent to Division Headquarters as soon as possible.

10.105 - When requested to appear in a civil case as a result of duties incurred as a member of the Highway Patrol, uniformed members may attend in an on-duty status using Patrol transportation; or they may attend in an off-duty status using leave or days off, providing their own transportation.

10.106 - If a uniformed member attends court in an on-duty status, they will return all fees collected, along with a copy of the subpoena, to Division Headquarters. All checks for witness fees shall be made out to the Highway Patrol. When a uniformed member attends a civil case in an off-duty status, all witness fees will be retained by the uniformed member.

The above sections apply to all court appearances except those pursuant to off-duty crash reconstruction activities.

10.2 - RECONSTRUCTION SPECIALISTS

10.201 - This section applies to uniformed members who are traffic crash or crime scene reconstruction specialists. Other officers who are not reconstruction specialists may also be requested by insurance companies or attorneys to provide information or assistance beyond the basic investigative work already completed.

10.202 - The use of reconstruction specialists is a support effort to assist investigating officers and the public in identifying causal factors in serious motor vehicle crashes. They may also assist in forensic crime scene mapping. The following procedures are not intended to relieve the investigating officers from their individual investigation and reporting responsibilities. The procedures shall apply to all reconstructions by the Highway Patrol's reconstruction specialists.

10.203 - All requests for services of a reconstruction specialist, received from local jurisdictions, prosecuting attorneys or another agency will be forwarded to the Accident Reconstruction Sergeant for review. The Accident Reconstruction Sergeant will base their decision on factors including but not limited to; the seriousness of the incident, the need for reconstructive work, and the basic investigative work already completed. The Accident Reconstruction Sergeant shall notify the District Commander of all outside request.

10.204 - When the Accident Reconstruction Sergeant assigns a reconstruction specialist to assist in the investigation, criteria for that assignment will include; the incident location, duty station of the specialist, volume of work the reconstruction specialist has pending, availability of the specialist (work status due to military leave, vacation, sick leave or other previously assigned duties), and the current work performance of the reconstruction specialist.

10.205 - In no event shall a reconstruction specialist begin any reconstruction or forensic mapping for a local jurisdiction, prosecuting attorney or another agency without prior approval from their District Commander, and the Accident Reconstruction Sergeant.

10.206 - A reconstruction specialist may receive requests from law firms, insurance companies, and other private entities to perform reconstructions on an off-duty basis. These requests shall be forwarded to the District Commander for approval or denial prior to any reconstruction work being performed.

10.207 - The District Commander will consider the following guidelines when approving off-duty reconstructive work to ensure that no conflicts of interest exist. The assignment must not involve a civil case where criminal action is still pending; it shall not involve a civil case where the defendant is the State of South Dakota; it shall not involve a civil case where the defendant is a law enforcement agency or a law enforcement officer involved in the performance of their duties; the specialist shall not perform any type of private off-duty reconstruction that may be used for the defense in a criminal trial; the specialist shall not become involved in a civil case where another Division reconstruction specialist has been previously retained by another party in the civil action; and, the specialist has a current, approved outside employment form on file.

10.208 - The South Dakota Highway Patrol shall charges for providing material to an insurance company, attorney or other party requesting reconstructive or investigative

services. The charges are as follows:

Computer disk/CD's --- \$30.00

10.209 - Billing statements for reconstruction charges will be made on appropriate forms as designated by Division. Each District will be responsible for inserting the District headquarters address and a statement number, which shall run consecutively. The statement form is a two-part form. The white copy will be used as the original statement for the purchases and the yellow copy as the District file record. A receipt will be issued for reconstruction service charges and the receipt number will be written on the yellow file copy of the statement when payment is received.

10.210 - All monies received from reconstruction services will be deposited in established Division bank accounts. A Miscellaneous Collection Report will be completed and the original copy transmitted along with the deposit slip to Division Headquarters.

10.211 - The reconstruction specialist's off-duty employment in this area should be limited to traffic crash reconstruction work only. They shall not become involved in the investigative phase of the case. This limitation includes interviewing principles, witnesses and law enforcement officers. The person or firm employing the reconstruction specialist must supply this information.

10.212 - If, during the reconstruction work performed off-duty, it is determined that criminal action or charges may occur, all reconstruction work shall cease immediately; no report, either verbal or written, shall be made and the District Commander shall be contacted and advised of the situation.

10.213 - If, through the reconstruction process, it is determined the agency involved in the initial investigation has made an obvious error in their initial investigation, the District Commander shall be advised immediately.

10.3 - SWAT TEAM

10.301 - The SWAT Team is a special weapons and tactics team formed to provide the South Dakota Highway Patrol with the means of dealing with high-risk law enforcement needs, emergency disaster situations, or any other situation where the use of specially trained law enforcement personnel would be desirable. The team may be mobilized during incidents of civil disorder, natural disaster, dignitary protection, and at other times when a strong police presence or special law enforcement skill is required.

10.302 - Troopers assigned to the SWAT Team shall do so on a part-time basis in conjunction with, or in addition to, the normally assigned duties of their position.

10.303 - A SWAT Team member directed to respond to the scene of a SWAT event shall perform their assigned duties as prescribed through the SWAT chain of command established especially for such situations. Because the SWAT Team operates in a wide area with varied administrative, as well as operational authority, team members when participating in SWAT Team activities will be directed by the following chain of command:

A. Superintendent

The Superintendent will serve as the ultimate authority for the SWAT Team. They will have responsibility for the team's policy, selection, training, equipment and activation. During times of deployment, they shall provide liaison between the Governor's Office, District Commanders, federal agencies and news media.

B. Assistant Superintendent

The Assistant Superintendent will serve as the administrative leader of the SWAT Team. Their responsibility will be to oversee the administration of the team. The Assistant Superintendent will provide for the team selection, establishment of directives, operational plans, policy, training, and serve as liaison from the team to the Superintendent, District Commanders, and other state or local agencies.

C. District Commanders

District Commanders will maintain a dialog with those SWAT Team personnel in their District, in order to advise on their fitness for duty on the team. In addition, the District Commanders may be assigned any other duty in support of the SWAT Team or SWAT Team operations as the Superintendent, or Assistant Superintendent deems appropriate.

D. SWAT Team Leader

The team leader will be appointed by the Superintendent and hold a minimum rank of sergeant. When acting as team leader, they shall be directly responsible to the Assistant Superintendent. The team leader shall be responsible for the coordination of training, administrative activities, and tactical operations. The SWAT Team Leader will be responsible for the selection and appointment of new team members, in consultation with the Superintendent and Assistant Superintendent.

E. Assistant Team Leaders

The assistant team leaders shall serve as the immediate assistant to the team leader. This position will be designated by the team leader with approval of the Superintendent. They shall assist the team leader in all activities and shall assume direction and supervision of the team in the absence of the team leader. They will be responsible for the care and maintenance of all equipment issued to the team.

10.304 - The following officials may order activation of the SWAT Team to duty anywhere within the state:

- A. Governor
- B. Secretary, Department of Public Safety
- C. Superintendent
- D. Assistant Superintendent

District Commanders may request deployment of the SWAT Team within their District.

The District Commander making the request for the SWAT team will notify the SWAT Team Leader of the request.

All requests for deployment of the SWAT Team shall be forwarded through the chain of command to the Assistant Superintendent. In the absence of the Assistant Superintendent, the Superintendent will be contacted.

The District Commander making the request for team activation will be responsible for ensuring that the SWAT Team Leader has been notified of the request.

The SWAT Team Leader will respond to the scene of all unplanned team deployments and will assume command of the tactical response. The SWAT Team Leader will be directly responsible to the Assistant Superintendent or Superintendent during tactical operations.

In the event the SWAT team leader is unable to respond, the Assistant Superintendent or Superintendent will be immediately notified. The Assistant Superintendent or Superintendent may respond to the scene of the tactical operation or may designate a Division supervisor to respond.

In the absence of the SWAT team leader, the Assistant SWAT team leader for the area where the tactical operation is occurring will assume command of the tactical response and will be directly responsible to the Assistant Superintendent or Superintendent during tactical operations.

The SWAT Team Leader may respond to planned team deployments at the discretion of the Assistant Superintendent or Superintendent.

The Assistant District Commander will respond to the scene of all unplanned SWAT Team deployments in their District and will provide District support to the SWAT Team. The Assistant District Commander will communicate directly with the SWAT Team Leader and will act as the liaison between the District Commander and local agencies during the tactical operation. The SWAT Team Leader and the Assistant District Commander will work together to ensure that current and accurate information is relayed to both the Assistant

Superintendent and/or Superintendent and to the District Commander during the tactical operation.

In the event the Assistant District Commander is unable to respond, the District Commander will be immediately notified. The District Commander may respond to the scene of the tactical operation or may designate a District supervisor to respond.

The Assistant District Commander may respond to planned SWAT Team deployments in their District at the discretion of the District Commander.

10.305 - In addition to SWAT assignments, team members are expected to maintain a satisfactory performance in conducting the daily functions of a trooper. Achieving a "meets expectations" rating is required in all elements of the Accountability and Competency Evaluation (ACES)

10.306 - In the event a member of the SWAT Team receives a "below expectation" or "unsatisfactory" rating on any performance related element of ACES, the member shall be placed on probation with an active status. The probationary period shall be a minimum of 30 days and may not exceed 7 months. The team member is expected to correct the deficiency during the probationary period. At the end of the probationary period, the Assistant Superintendent, respective District Commander, and SWAT team leader shall determine if the team member is to be retained or dismissed from the team.

10.307 - The SWAT Team may be called to perform and complete assignments that are physically rigorous in nature. SWAT Team members must demonstrate excellent physical conditioning. Team members must successfully complete the semi-annual physical fitness test, as set forth under Article 13 of the South Dakota Highway Patrol Operations Manual. Additionally, SWAT Team members are required to pass the SWAT Team physical fitness testing once per year.

10.308 - In the event a member of the SWAT Team is unable to meet either of the physical standards, the member shall be placed on probation with an active status. The probationary period shall not exceed 90 days. During the probationary time, the member will work to correct the deficiency. The member will be tested for physical proficiency at the end of the probationary period. If the deficiency has not been corrected, the member will be dismissed from the SWAT Team.

10.309 - For the first part of SWAT team physical testing each team member will perform the semi-annual physical fitness tests established in Article 13 of the South Dakota Highway Patrol Operations Manual. A score will be formulated based on the point values set in the "Fitness Profile Chart" as the baseline for accessing point values. A total minimum point value of 372 (93%) must be met. The fitness profile values are listed in section 10.314.

Part Two of SWAT physical testing requires each team member perform 10 bench press

repetitions at a weight of 75% of the member's maximum single bench press effort, and a 5K run (3.1 miles).

The run must be completed in no more than 30 minutes.

The SWAT team leader shall supervise the bench press and 5K run. These tests will be completed on an annual basis.

10.310 - All troopers desiring to become members of the SWAT Team shall be required to participate in a selection process. The selection process shall allow interested troopers an equal opportunity to compete for vacancies on the team. The Assistant Superintendent may supervise the selection process. The existing team leader, assistant team leaders, as well as selected current team members will assist in the selection process. The Superintendent will make the final determination for selection to the SWAT Team.

10.311 - Applicants desiring to participate in the selection process for the SWAT Team shall:

- A. Hold the minimum rank of trooper with the South Dakota Highway Patrol;
- B. Have a rating of "meets expectations" or higher in ACES for the previous year. A rating of less than "meets expectations" in one or more elements within a category may exclude an applicant from the selection process;
- C. Successfully complete the SWAT Team physical testing as defined in section 10.309;
- D. Present a favorable impression to the oral interview board;
- E. Make a commitment of no less than 3 years to the SWAT Team assignment;
- F. Maintain the minimum SWAT Team qualification standard with the Division issued sidearm as set forth in section 8.1207; and,
- G. Be free of any physical limitations that would prevent the applicant from operating with the SWAT Team.

10.312 - Applicant's for the SWAT Team will undergo physical testing and oral interview boards. All applicants shall be ranked, according to their performance. A prioritized list of successful applicants shall be provided to the Superintendent who will make the final selection and appointment to the SWAT Team.

10.313 - Troopers that are selected for the SWAT Team shall complete a 40 hour basic SWAT course that includes firearms, exterior and interior training.

10.314 - FITNESS PROFILE CHART--SDHP SWAT TEAM

SIT-UPS PUSH-UPS VERTICAL JUMP 1.5 MILE RUN SCORE

REPS REPS INCHES TIME

49 41 27.0 10:52 100

48 40 26.5 10:54 99

47 39 26.0 10:56 97

46 38 25.5 10:58 95

45 37 25.0 11:00 93

44 36 24.5 11:01 92

42 33 23.75 11:20 91

40 31 23.0 11:40 90

39 30 22.5 12:00 89

38 28 22.0 12:20 88

36 26 21.0 12:40 87

34 23 20.0 13:00 86

33 22 19.5 13:01 85

18.9 13:18 84

32 21 18.6 13:35 83

18.3 13:52 82

31 20 18.0 14:09 81

19 17.7 14:26 80

17.4 14:43 79

30 18 17.1 15:00 78

16.8 15:17 77

29 17 16.5 15:30 76

28 16 16 15:31 75

26 13 15 15:56 74

24 11 13 16:20 73

22 8 11 16:45 72

20 3 10 17:09 71

18 17:30 70

17 or below 2 or below 9.5 or below 17:31 or below 69

10.4 - SWAT SNIPER

10.401 - Sniper Teams will use his specialized training, positioning and sight enhancing equipment to observe and report real-time intelligence to his teammates and on-scene command personnel. Since the Sniper Team plays such an integral role in intelligence

gathering and team protection, they may be deployed as a part of all tactical operations.

10.402 - The Sniper Team will provide protective over watch to the team, other officers, civilians and / or hostages by bringing precision fire against designated targets, with the intent to immediately terminate the dangerous actions of that designated target. In this action, state statutes and Highway Patrol Policy relating to the use of deadly force by Law Enforcement, will regulate the sniper's decision.

10.403 - The Sniper Team will be authorized to use deadly force against an individual in the following circumstances:

A. To defend himself, another law enforcement officer, hostage, or other civilian personnel from the imminent threat of death or great bodily harm.

B. As part of an organized assault by the SWAT Team. In this event, the Sniper Team would use deadly force against designated targets or targets of opportunity, as the situation or assault plan dictates. These targets would be prioritized and engaged based on the danger they pose to other team members, hostages or civilian personnel.

C. To prevent the escape from a tactical situation's containment perimeter, if the sniper feels the subject would pose a greater danger of death or great bodily harm to the general public if allowed continuing his actions or succeeding in his escape.

D. Utilization of these Rules of Engagement is subject to meeting or exceeding the standards for use of deadly force as delineated by state statute and Highway Patrol Policy.

10.404 - After selection to the position as a Sniper, the candidate will attend and graduate from at least one formal police sniper school.

10.405 - Training will be continued on a regular basis and will be documented.

10.406 - Sniper Teams should attend formal sniper training every two years to upgrade skills and knowledge.

10.407 - All sniper training planned and done by the Sniper Team will be planned on a monthly basis by the assistant team leader or team leader and documented in writing. The Team Leader will maintain records of that training. The Sniper Team will maintain individual shooting records, in the form of Shooting Data Books.

10.408 - Sniper candidates will be selected from the roster of SWAT Team members, based on the listed criteria:

A. Current team member in good standing

- B. Volunteer for position
- C. Good physical condition
- D. Emotionally mature and stable
- E. Above satisfactory performance ratings

10.409 - Selected candidate will join sniper team in a probationary status. Regular status will be achieved after the candidate has graduated from a formal police sniper school and has passed the Highway Patrol sniper qualification course.

10.410 - The Highway Patrol shall have at least one Sniper Instructor with a minimum of two years' experience as a Sniper with the Highway Patrol SWAT Team and have the desire to perform the duties of a Sniper Instructor.

10.411 - Snipers selected to Instructor shall have the necessary qualifications and abilities to fulfill the role of a sniper instructor and shall successfully complete an accredited firearms instructor course upon selection as an instructor. The Instructor will renew that certification as a minimum of every three years.

10.412 - The sniper instructor shall be tasked with administering the sniper qualification shooting courses during a statewide training session. They will also create and implement a training calendar outlining the skills that shall be practiced at the monthly training sessions for all the snipers in their respective areas.

10.413 - Each Sniper Team will pass the team qualification course. The course will be designed to test the Sniper Team's skills as they apply to realistic job-related applications. This may include cold shots, partially exposed targets, stress shots, moving targets, and intermediate barriers. This course will be administered at least three times a year. Each course will require a score of 90% or better to pass.

10.414 - Failure to pass two consecutive qualification courses will result in removal of the Sniper from operational status until the team member is able to demonstrate proficiency with two consecutive passing scores.

10.415 - Each Sniper shall be responsible for the care and cleaning of their assigned Sniper Rifle including keeping them clean, properly lubricated, free from harmful elements and in serviceable condition which ensures availability for immediate use.

10.416 - Snipers are prohibited from altering the trigger pull on any of the assigned Sniper rifles. The trigger pull should be no less than three and a half (3.5) pounds and no more than five (5) pounds. The trigger pull will be adjusted when a weapon is purchased and should be checked annually by a qualified armorer or a factory trained and certified technician.

10.417 - Sniper Rifles requiring repair or service shall be taken to an authorized armorer and repaired if possible.

10.418 - An annual inspection shall be completed each calendar year by an authorized armorer and any defects shall be immediately repaired or the rifle will be placed out of service until it can be properly repaired.

10.5 - EMERGENCY OPERATIONS

The South Dakota Highway Patrol recognizes the importance and efficiency of utilizing the Incident Command System (ICS) in managing emergency operations. In the event the ICS is established, it shall take precedence over section 10.5, where applicable.

10.501 - During emergencies requiring the deployment of a large number of Highway Patrol personnel, it shall be imperative that authority, accountability and responsibility is established and carried out during the state of emergency.

10.502 - Whenever operating in an emergency environment, the chain of command shall be: Command Post Commander - the highest ranking Highway Patrol officer assigned to the emergency; Operational Commander - the District Commander assigned to the emergency. The Operational Commander will be a member of the command post. Field Commander - the District Lieutenant assigned to the emergency.

10.503 - It may become necessary, in some emergencies, to designate an officer as "Liaison Officer". The Superintendent or Assistant Superintendent will make this assignment to an officer, regardless of rank. Liaison officers shall be thoroughly aware of the situation at hand and of the law enforcement responsibilities and capabilities.

10.504 - Duties of an officer assigned to the liaison position during an emergency shall include, but are not limited to the following: keeping informed of all new developments that affect the emergency and command post operations; establish and maintain a line of communication between the command post and the news media; maintain a log of information concerning the situation.

Upon the conclusion of the emergency, an after action report shall be prepared by the liaison officer and submitted to the Superintendent through the chain of command.

10.505 - When mass arrests are utilized, arrest teams will be established and used. Arrest teams may be comprised exclusively of members of the Highway Patrol, or may include members from other law enforcement agencies.

10.506 - In cases of arrest teams comprised only of Highway Patrol personnel, the officer in

charge of the arrest team will be the ranking or senior most member of the arrest team. The officer in charge of a multi-agency arrest team will be established by the command post personnel.

10.507 - Arrest teams shall be responsible for the arrest and identification of their prisoner(s) as well as the gathering, tagging and preservation of evidence. Each arrest will be made individually with the utmost attention given to the adherence of the individual's civil rights. A member of the Attorney General's legal staff or state's attorney may be included as a member of the command post. Legal questions that arise will be directed to this member of the command post. The legal assistant will review and file reports and complaints if necessitated by the emergency. Legal assistants will not assist in any way with the arrest of a defendant.

10.6 - DRUG RECOGNITION EXPERT

10.601 - The South Dakota Highway Patrol has adopted the Drug Recognition Expert program to aid in the detection, apprehension and prosecution of drug impaired individuals. The use of drug recognition experts (DREs) is an effective means of identifying and prosecuting drug-impaired individuals. Use of DREs in police work has gained acceptance and approval throughout the United States primarily due to their accuracy and effectiveness.

10.602 - The Drug Evaluation and Classification (DEC) system used by Drug Recognition Experts is designed as a systematic, standardized, post-arrest procedure to determine whether a suspect is impaired by one or more categories of drugs.

10.603 - Command Structure

A. The Drug Recognition Expert is assigned to the District corresponding to the location of their duty station.

B. The Drug Recognition Expert will be supervised by the District Commander or designate.

C. The agency DRE coordinator will supervise training, evaluate reports and ensure maintenance of program records and standards.

D. The respective District Commanders and the agency DRE coordinator shall report directly to the assistant superintendent of the Highway Patrol.

10.604 - Drug Recognition Expert Certification: Drug Recognition Experts for the Highway Patrol shall successfully complete the standardized training curriculum mandated by the NHTSA/IACP. This training includes:

A. Phase One - Attend and complete the IACP/NHTSA DRE Pre-school or an IACP recognized equivalent. During this phase the officer shall be able to:

1. Define the term "drug" as it is used in the DEC Program;
2. Name the seven drug categories identified in the DRE training program;
3. Measure vital signs, including blood pressure, pulse and body temperature;
4. Show familiarity with the 12-step drug recognition evaluation process;
5. Demonstrate proficiency in the administration of the Standardized Field Sobriety Tests, including Horizontal Gaze Nystagmus;
6. Show familiarity with the administration of the eye examinations, including pupil size, vertical nystagmus and lack of convergence.

B. Phase Two - Attend and complete the Drug Recognition School.

1. This includes instruction in the techniques of the drug evaluation examination as well as in physiology, the effects of drugs and legal considerations.
2. In order to satisfactorily complete the classroom portion of the training and proceed to field certification, candidate DREs must complete an IACP-approved final examination with a score of not less than 80%.
3. Candidates scoring less than 80% on the final examination may be re-tested one time, under the supervision of a certified DRE instructor. The retest shall be completed not less than fifteen or more than thirty days following the completion of the classroom training.

C. Phase Three - The Field Certification Process. Upon completion of this phase the candidate must demonstrate the following:

1. The ability to conduct a complete drug evaluation in an approved sequence and appropriately document and interpret the results.
2. Document the findings of the evaluation and demonstrate proficiency in interviewing techniques.
3. Satisfactorily complete a minimum of 12 drug evaluations, during which the candidate must encounter and identify subjects under the influence of at least three of the drug categories as described in the DRE training program. All three drug categories must be supported by toxicology.

4. Of the evaluations required for certification, the candidate shall administer at least 6 evaluations. The candidate may observe the remaining evaluations. Certification training evaluations will be conducted in accordance with the current procedures and guidelines established in the DECP training curricula.

5. All evaluations, administered or observed, and documented for certification purposes, shall be observed and supervised by at least one certified DRE instructor.

6. Satisfactorily complete an approved "Certification Knowledge Examination." The examination shall be administered and the results reviewed by at least one certified instructor. The examination shall only be administered after the candidate has completed not less than three drug evaluations.

10.605 - The candidate DRE shall complete the field certification phase of training within six months following completion of the classroom training, unless the time limit is extended by the appropriate DRE coordinator.

10.606 - By the time the candidate DRE has completed field certification training, the candidate shall have prepared a resume that shall reflect the candidate's training and experience in drug recognition. The resume shall include a complete log of all evaluations in which the candidate has participated. A copy of the resume shall be forwarded to Division and placed in their personnel file. Resumes shall be updated annually and submitted to the DRE state coordinator.

10.607 - Drug Recognition Expert responsibilities include performing DRE evaluations upon the request of other uniformed members or, upon approval of a supervisor, evaluations for other agencies.

10.608 - The DRE shall complete a full evaluation of each individual. If a DRE evaluation is conducted and it is determined the person is not under the influence of drugs, the DRE shall still complete the Drug Recognition Evaluation form.

10.609 - The DRE shall be responsible for the maintenance and care of all state owned equipment assigned to them. This includes but is not limited to a blood pressure cuff, stethoscope, penlight, pupilometer cards, digital thermometer and DRE manuals.

10.610 - The DRE shall maintain an updated resume and rolling log. Based on national standards, DREs may be decertified for not having a current resume and rolling log available for review.

10.611 - It is the responsibility of each individual DRE to maintain their certification status pursuant to IACP standards. Refer to the DRE Recertification section.

10.612 - The following forms and certificates shall be maintained by the individual DRE:

- A. Copies of all drug evaluations
- B. Evaluation, certification and recertification logs (rolling logs)
- C. Resume
- D. Certificates

10.613 - Drug Recognition Expert Recertification is necessary to ensure DREs and DRE instructors maintain proficiency by utilizing the standards set forth by NHTSA and certified by IACP.

10.614 - DRE certification is valid for a two-year period from the date which is dictated by IACP's receipt of the student's completed IACP Certification Progress Log. The expiration of the DRE's certification will be noted on the IACP Certification Card issued to the DRE.

10.615 - Every two years, each DRE shall demonstrate continued proficiency by:

A. Performing a minimum of four acceptable evaluations since the last date of expiration noted on their IACP DRE card.

1. Evaluations must be a minimum of 80% accurate.
2. At least one evaluation must be performed in front of a DRE instructor.
3. One of the required evaluations may be simulated.

B. Completing a minimum of eight hours of recertification training since the date of the DRE's most recent certification.

C. Submitting a photocopy of his/her current resume and rolling log to the DRE instructor providing recertification training, for review and forwarding to the State Coordinator and IACP.

10.616 - After completion of a recertification class, the DRE instructor shall forward photocopies of each attending DRE's current resume, rolling log, and a completed DRE Recertification Form (Annex F) for each DRE, with the original class roster to the agency coordinator. The agency coordinator will review, process and forward recertification forms to IACP.

10.617 - The agency coordinator will act as a liaison with the State Coordinator. The uniform member selected as the agency coordinator will be a Drug Recognition Expert.

10.618 - The agency coordinator will supervise training, evaluate reports and ensure maintenance of program records and standards. These responsibilities will include, but not be limited to the following:

A. Collect and review a copy of all completed Drug Recognition Evaluations;

B. Retain a copy of each Drug Recognition Evaluation form for four years;

C. Maintain a log of each DRE's evaluations and toxicology results;

D. Annually review updated resumes and rolling logs;

E. Maintain certification progress logs, copies of certificates, files of certified DREs and instructors and recertification information.

10.619 - Drug Recognition Selection Guidelines: Prior to consideration for selection as a Drug Recognition Expert, the following shall be the minimum requirements to be met:

A. Applicant must have a minimum of one year of field experience with the Highway Patrol or currently be DRE certified;

B. Submit through the chain of command a written request volunteering for the Drug Recognition Expert program;

C. Applicants must have shown an earnest desire to work as a DRE;

D. Applicants shall have maintained an evaluation rating of meets expectations or above in each element of the evaluation for the preceding year;

E. Applicants shall commit to serve as a DRE for a minimum of three years.

10.620 - Drug Recognition Expert Instructor selection guidelines and criteria should include the following:

A. Minimum of one year experience as a DRE;

B. Desire to perform the duties of a DRE instructor;

C. Demonstrated ability to detect people under the influence of drugs;

D. Strong interpersonal and communication skills;

E. Experience in courtroom testimony as an expert in drug influence cases.

10.621 - Drug Recognition Expert instructor is expected to meet the training guidelines set forth by NHTSA and certified by IACP.

10.622 - The DRE instructor is required to successfully complete the classroom instruction, supervise two drug evaluations performed by candidate DREs during the field certification training or supervise 2 drug evaluations during the wet lab procedures of the DRE School and teach a minimum of two hours in the classroom portion of a DRE class.

10.623 - The DRE instructor shall provide assistance with classroom instruction, field certifications, Advanced Drug Training classes, Standardized Field Sobriety Test training classes and biennial recertification as requested.

10.624 - In compliance with national standards to maintain DRE instructor certification, a DRE instructor must remain active and shall instruct a minimum of two hours annually in any approved drug recognition training program.

10.625 - The following forms and certificates shall be maintained by the DRE Instructor:

- A. Copies of all drug evaluations;
- B. Evaluation, certification and recertification logs (rolling logs)
- C. Resume
- D. Certificates

10.626 - Removal / Decertification from the DRE Program: Any DRE who requests to be voluntarily removed from the DRE program prior to completing their three year commitment should not be selected to again serve as a DRE for a minimum of three years.

10.627 - If a DRE is removed involuntarily from the DRE program, they shall be issued a memorandum stating the reason(s) for their removal and decertification. A copy of the memorandum shall be placed in their personnel file. Any DRE who is involuntarily removed from the DRE program should not be selected to serve as a DRE in the future. The following shall be considered sufficient cause for a DRE to be removed and decertified from the DRE program:

- A. Substandard performance;
- B. Improper and inaccurate documentation of DRE evaluations;
- C. Refusing to perform DRE evaluations;
- D. Insufficient use of DRE skills;

E. Failure to successfully complete the required biennial recertification;

F. Any inappropriate acts on the part of the DRE that brings discredit upon the Drug Evaluation and Classification Program.

10.7 - DRUG RECOGNITION EXPERT UTILIZATION

10.701 - Generally, the DRE will be requested to provide a drug evaluation on a person who has been arrested for DUI or another driving or drug related offense. Most evaluations should involve post-arrest situations or ongoing investigations.

10.702 - A DRE may perform a 12-step evaluation on individuals under the age of 18 years. An individual's parent or legal guardian must be present and have provided consensual authorization prior to performing the evaluation.

10.703 - The Highway Patrol supports the use of a DRE when any of the following circumstances exist:

A. A suspect has a low BAC level not consistent with their field test results (under a .08 BAC).

B. The suspect has admitted to using medication and/or drugs in the past two hours and is under arrest or suspected of a DUI or a related drug crime.

C. The suspect is obviously drug-impaired (i.e., cannot perform field sobriety tests to the satisfaction of the arresting officer).

D. A crash involving serious or fatal injuries, where a driver exhibits no intoxication by alcohol (i.e., slurred speech, constricted or dilated pupils, incoherent behavior, combative conduct, poor balance and coordination, etc.).

E. A traffic stop involving a drug arrest or an odor of a controlled substance on the suspect or in the vehicle (i.e., a warm pipe, recent smoking, an admission, and chemical odors).

F. There is reasonable suspicion that drug impairment could be a factor in any felony/fatal/critical injury or department-involved crash. A DRE may respond to the scene and evaluate the surviving driver(s).

10.704 - Requests for a DRE should be made as early as possible since the physical indicators of drug impairment diminish as time passes.

The requesting/arresting officer should talk to the DRE directly. The DRE will ask specific

questions about the suspect (behavior and performance on SFST's, pupils, speech, drugs in the vehicles, admissions, etc.).

10.705 - The drug evaluation process is a systematic, standardized, post-arrest process that requires adequate facilities to perform the various tasks. These required facilities include:

A. A room sufficiently large to permit unobstructed administration of the psychophysical tests (Walk and Turn, One Leg Stand, Romberg);

B. A room that can be completely darkened for the eye examinations;

C. Access to breath testing equipment producing immediate on the spot results;

D. An interrogation/interview room that provides privacy and prevents distractions from the general prisoner population;

E. A room equipped with video/audio recording equipment.

10.706 - Reporting Procedures

A. DREs shall submit evaluations to the agency coordinator on the Monday following the end of each 28 day reporting period. Even if no evaluations are conducted, a report must be submitted.

B. The following reported information will assist in determining the effectiveness of the DRE program:

1. Total number of DREs.

2. Total number of DRE evaluations.

3. Total number of DRE evaluations which resulted in an opinion of the suspect being under the influence of drugs.

4. Total number of urine and blood samples collected by DREs.

5. Total number of urine and blood samples returned from the laboratory.

6. Of the blood and urine samples returned from the laboratory, and the total number of DRE opinions which were affirmed in the toxicology report.

7. Number of DRE requests.

8. Number of DRE requests responded to.

9. Number of DRE requests unable to respond to.

10.707 - Call Out Procedures

A. Requests for evaluations should be performed by on-duty DREs whenever possible.

B. When no on-duty DRE's are available, the investigating officer may call the nearest DRE directly.

C. If the DRE determines an evaluation is appropriate, a supervisor shall be contacted to authorize a call out for the after-hours evaluation.

10.8 - MOTORCYCLE OPERATIONS

Policy

It is the policy of the South Dakota Highway Patrol to make motorcycle assignments based upon area needs and the ability to use motorcycles effectively and safely. Only those persons trained in police motorcycle operations will operate Division motorcycles in an enforcement capacity. All other operations must be approved by Division.

10.801 - A Division employee requesting motorcycle assignment must possess a current motorcycle operator's license.

10.802 - A request for motorcycle assignment should be directed to the District Commander and shall include the following information:

- a. Previous riding experience including size, make, and model of motorcycle(s) ridden
- b. A listing of any motorcycle operator's license restrictions
- c. List any physical condition that may limit program involvement
- d. Details of any previous motorcycle crash experience
- e. Information as to where and how the motorcycle will be stored if assigned

10.803 - Motorcycle operator training will be scheduled by Division Headquarters when necessary. All training will be conducted in accordance with Division-approved guidelines.

10.804 - Personnel assigned a Division motorcycle should utilize the motorcycle as their primary enforcement vehicle unless a special assignment or extreme weather conditions exist. Extreme weather conditions include:

- a. Rain - Persistent precipitation that accumulates on the roadway
- b. Cold Weather - Conditions in which slippery road surfaces are likely to develop due to ice or snow accumulation, or temperatures, due to exposure or wind chill, that could cause injury
- c. Poor visibility
- d. High Wind - Existing wind conditions that could affect the stability of the motorcycle

10.805 - Motorcycles are to be operated in accordance with Department and Division policy and rules regulating fleet operations. Only operators who have completed a Division-approved Motorcycle Training Program will operate Division motorcycles in an enforcement capacity. Employees assigned a motorcycle must be able to provide secure off-duty storage for the assigned motorcycle.

10.806 - Transportation of passengers on a Division motorcycle is prohibited.

10.807 - Appropriate safety clothing shall be worn while operating a Division motorcycle. Appropriate safety clothing includes, without limitation:

- a. Helmet (securely fastened)
- b. Shatter resistant eye protection (clear lenses at night)
- c. Leather boots that provide ankle protection
- d. Full-fingered gloves

10.808 - Motorcycles should not be left unattended unless necessary for meals, rest periods, bond posting, court appearances, etc. If left unattended, the motorcycle ignition, saddlebags and other storage compartments shall be locked and the keys removed. All accessories and removable equipment shall be secured in an inaccessible location.

10.809 - Maintenance shall be performed in conformance with the manufacturer's recommendations/specifications.

10.810 - On a daily bases the following maintenance shall be performed:

- a. Check tire pressure (cold)

- b. Check oil level
- c. Check for free operation of throttle
- d. Inspect all lamps, flashers, horn and siren
- e. Check the operations of both front and rear brakes

f. Check air shocks and seat bladder pressure

SOUTH DAKOTA

10.811 - On a weekly bases the following maintenance shall be performed:

- a. Check all nuts and bolts for tightness
- b. Inspect and insure that the battery is properly filled, if applicable
- c. Check the front forks for oil leaks and for proper return
- d. Inspect the brakes for pad wear and worn rotors
- e. Inspect the tires for tread wear, cuts, bulges, or embedded foreign objects, etc.
- f. Inspect the belt/chain for proper adjustment, wear, tears, punctures, etc.
- g. Check side stand and spring for proper operation.

HIGHWAY PATROL

10.812 - Division motorcycles shall be maintained to present a neat and clean appearance. When cleaning the motorcycle:

- a. Do not direct a steady high stream of water on the windshield. High-pressure water could remove the factory applied protective coating.
- b. Do not direct a steady stream of water on the gauges, radio, instruments, or handlebar switches.
- c. Do not direct water into the exhaust system.
- d. Do not direct water at the front or rear wheel bearings.
- e. The saddlebags may be removed to accommodate cleaning of the rear tire and wheel.

10.813 - Due to the motorcycle's limited carrying capacity, only those items essential to performing official duties shall be carried. The motorcycle's load must be balanced as much as possible.

10.814 - Any modifications to the motorcycle, including the installation or removal of auxiliary equipment, must be approved by Division.

10.815 - The motorcycle is an ideal tool for responding to crashes or other situations that could bring traffic to a halt. A motorcycle may be the only vehicle that can reach the scene quickly. When other units arrive at or are already at the crash scene, the Division motorcycle should be parked in a location that creates no additional hazard.

10.816 - Whenever possible, Division motorcycle operators should avoid becoming involved in an existing pursuit/eluding situation as defined in Article 9.13, Emergency Vehicle Operations and Pursuit Tactics.

10.817 - If a Division motorcycle operator initiates a pursuit or is requested to become involved in a pursuit, the motorcycle operator shall weigh the risk of the pursuit with the nature of the offense. When the risk of the pursuit outweighs the significance of the apprehension, the motorcycle operator shall either terminate or not become involved in the pursuit. If it is necessary for the motorcycle operator to become involved in a pursuit, they will turn the pursuit over to other units as soon as reasonably possible. A Division motorcycle operator involved in a pursuit has the following options:

- a. Terminate the pursuit.
- b. Discontinue pursuit; maintain a safe following distance while maintaining visual contact.
- c. Turn all pursuit responsibilities over to other units as soon as possible.

CHAPTER 11 - REPORTS

PURPOSE

The establishment of a timely, accurate, uniform method for completion, routing and filing of all Division reports, forms, tickets, etc.

POLICY

It is the policy of the South Dakota Highway Patrol that all members use established forms and documents for the purpose of time keeping and case report writing. Furthermore to establish the time frames to complete time keeping and reports as well as a standardized storage of documents at District offices.

11.1 - TIME/ACTIVITY/SUMMARY REPORT

11.101 - State Time Keeping System (TKS)

The Division of Highway Patrol, including all uniformed members, will use the State Time Keeping System (TKS) for logging of all hours for payment purposes.

Each uniformed member is responsible for completing TKS entries by 0900 hours on the 9th and 24th of each month.

Each supervisor or designee, will review and approve all TKS entries by 1000 hours on the 9th and 24th of each month.

For purposes of TKS entries, the Highway Patrol shift will be from the hours of 0600 until 0600.

11.102 - GENERAL REQUIREMENTS

For purposes of reporting, a twenty-four hour day will be broken into day and night as follows:

Daytime - The hours between 0600 and 1800 of each twenty-four hour period.

Nighttime - The hours between 1800 and 0600 of each twenty-four hour period.

TENTH HOUR CONVERSION TABLE

Minutes of Hour Tenth Conversion

58 to :03 .0 (on the hour)

:04 to :09 0.1

:10 to :15 0.2

:16 to :21 0.3

:22 to :27 0.4

:28 to :33 0.5

:34 to :39 0.6

:40 to :45 0.7

:46 to :51 0.8

:52 to :57 0.9

Reports shall be accurate and complete.

If a uniformed member will be on annual leave at the end of a reporting period, they must submit a time sheet and complete TKS entries for that period prior to going on leave.

An entry of P, PON, LF, OA, or OOS will be entered on the TKS form to indicate the days for which regular, overnight, long form, other agency, or out-of-state per diem are to be paid. A minimum overnight stay of at least two nights is required prior to receiving long form per diem

For the purpose of reporting, all holidays will be considered as compensatory days, whether taken on the actual holiday or at a later date.

The immediate supervisor shall submit the report and complete TKS entries for any uniformed member who is physically unable to do so.

The TKS report will be checked for accuracy and signed off by the uniformed member's immediate supervisor or the supervisor's designee.

11.103 - REPORTING OF MILEAGE FOR SPARE CARS

When it is necessary for a uniform member to use a spare vehicle, the member will enter the equipment number and mileage information on the TKS report by right clicking on the equipment line to add another line. The uniformed member will also record the mileage driven on the Vehicle Mileage Report form that is required to be kept in all spare vehicles.

11.104 - REPORTING OF MILEAGE FOR VEHICLES ASSIGNED TO ANOTHER MEMBER

Whenever a uniformed member is assigned to use another uniformed member's permanently assigned vehicle, the member using the vehicle will enter the equipment

number and mileage information on the TKS Report form by right clicking and adding another equipment line.

11.105 - REPORTING OF MILEAGE WHEN ASSIGNED A NEW VEHICLE

When a uniformed member is issued a new vehicle during the bi-monthly time/activity report period, they will enter the equipment number and miles for the new vehicle on the TKS Report form by right clicking and adding another equipment line.

11.106 - FUNCTION NUMBERS AND CORRESPONDING ACTIVITIES

The function numbers to be used and the activities which apply to them are outlined below.

Function codes in the 3000 and 4000 series denote hours worked between 1800 at 0600.

A. 150 HOMELAND SECURITY

1501/3501 - Homeland Defense: All time dedicated in any manner to homeland security.

B. 151 EMERGENCY DISASTER

1515/3515 - Emergency Disaster: All time dedicated in any manner to emergency disasters.

C. 162 PATROL OF HIGHWAYS

1620/3620 - Patrol: All time spent on moving patrol of highways.

1622/3622 - Patrol, Stationary: All time spent in stationary observation of traffic or stationary radar, on any highway.

1629/3629 - Patrol - Aircraft: All time spent working in conjunction with the aircraft, including the maintenance of speed blocks.

D. 163 RADAR OPERATION

1630/3630 - Radar: All time spent operating moving radar.

1632/3632 - Construction Zone: All time spent operating radar in construction zones.

E. 164 ACCIDENT INVESTIGATION

1640/3640 - Accident Investigation: All time spent on-scene investigations, assisting other agencies with investigations, preparing reports or diagrams, taking statements, or in court preparation of accident cases.

1642/3642 - Crash Reconstructionist: All time spent on-scene investigations, assisting other agencies with investigations, preparing reports or diagrams, taking statements, or in court preparation of accident cases.

F. 165 CRIMINAL INVESTIGATION

1650/3650 - Criminal Investigation: All time spent on the investigation of any type of criminal activity and on missing person investigations.

1651/3651 - DUI Investigation: All time spent during the arrest booking, incarceration or bonding of persons apprehended for driving while under the influence. All time spent conducting sobriety tests to determine a driver's sobriety. Time spent on case reports or other documentation of the DUI arrest will be charged to 1651 or 3651.

1652/3652 - Canine Unit - Working: All time spent by canine officers in actual narcotic detection activity such as; roadside vehicle searches, motor carrier interdiction, searches pursuant to search warrants, correctional facility searches, training, etc. All safety program activity utilizing the canine will be reported as 1700.

1653/3653 - Canine Unit - Training: Actual time used in training with the canine.

1654/3654 - Other Agency Investigations: All time spent assisting other agencies with investigations of any type.

1655/3655 - DRE: All time spent as a drug recognition expert conducting an evaluation and completing the supporting documentation and reports.

1656/3656 - Drug Task Force: All time spent as an investigator assigned to a drug task force.

G. 166 MOTOR VEHICLE/CARRIER

1660/3660 - Traffic Check: All time spent on traffic safety checkpoints.

1662/3662 - Truck Check: All time spent weighing trucks, selling permits, and making other motor carrier collections.

1663/3663 - Sobriety Checkpoint: All time spent on-scene and engaged in sobriety checkpoint activities. Custodial arrests which remove an officer from the checkpoint will be charged to the appropriate function number, i.e. DUI or criminal investigation.

H. 167 ESCORTS/RELAYS/PHYSICAL AIDS

1670/3670 - Relays and Escorts: All time spent while assigned to the escort, security or relay of dignitaries, relay of patrol personnel or equipment, relay of personnel or equipment of another agency, or providing emergency and courtesy relays.

1677/3677 - Physical Aids: All time spent in furnishing physical assistance, including the aiding of stranded motorists.

I. 168 SPECIAL ASSIGNMENTS

1680/3680 - Special Assignments: All time spent in attendance at District meetings, special meetings including accident review board, seminars, funerals, grounds duty at rodeos, county fairs or sports events. All time, as approved by the District Commander, spent in order to complete a transfer to a new duty station, including preliminary inspection of area and actual moving time. All time spent in taking promotional examinations.

1681/3681 - Sturgis Rally: All time spent by members assigned to traffic enforcement during the Sturgis Motorcycle Rally. Travel time to and from the rally would be recorded as patrol time.

1682/3682 - State Fair: All time spent by members assigned to traffic enforcement duties at the State Fair. Travel time to and from the fair would be considered patrol time.

1683/3683 - Natural Disaster/Civil Disturbances: All time spent by members assigned to natural disaster or civil disturbances. This function will only be utilized at the direction of a supervisor.

J. 169 COURT

1690/3690 - All Court Related Activity: All time spent in attendance or testifying in any type of court proceeding and in preparation for court appearances.

K. 170 SAFETY PROGRAMS

1700/3700 - All Safety Program Activity: All time spent on safety program activities, including preparation and presentation, and participation in traffic safety conferences.

L. 171 TRAINING

1713/3713 - Recruit Training: All time spent by a recruit in recruit training, including the standards course and field training.

1714/3714 - In-Service Training: All time spent in classroom and field exercises related to any type of in-service training. This would include time spent on the firearms range for required annual qualification firing, time spent during the semi-annual physical fitness

testing, and EVOC in-service.

M. 172 MCSAP/SAFETY INSPECTION

1720/3720 - Bus Inspections: All time spent in the performance of the annual inspection required of school and non-profit buses.

1721/3721- MCSAP Inspections - Trooper: All time spent conducting level 1 to 5 or post-crash motor carrier inspections, patrolling for trucks for inspection, performing Aspen data entry, and attending non-training related meetings in relation to the Safetynet system or federal motor carrier safety regulations. .

1722/3722 - Motor Carrier Canine Unit - Working: All time spent by motor carrier canine officers in actual narcotic detection activity such as; roadside CMV searches, motor carrier interdiction, searches pursuant to search warrant, etc.

1723/3723 - Motor Carrier Canine Unit - Training: Actual time used in training with the canine by the motor carrier canine officer.

1724/3724 - Motor Carrier Canine Unit - Non CMV: All time spent by the motor carrier canine officer in non-commercial motor vehicle activities.

1725/3725 - MCSAP Administration: All time spent in the performance of administrative duties for a Division, District, or zone directly related to MCSAP/FMCSR program activities.

1726/3726 - MCSAP Supervision: All time spent in the performance of supervisory duties for a District or zone, directly related to MCSAP/FMCSR program activities. Time spent accompanying a uniformed member on patrol and the on-site supervision of or assistance with federal motor carrier safety activities will be included in this category.

2258/4258 - New Entrant Administration: All time spent in the performance of administrative duties for the new entrant program.

N. 173 ADMINISTRATION

1730/3730 - Administration: All time spent in the performance of administrative duties for Division, a District, or a squad. Duties related to scheduling, evaluations, complaint investigations, and staff meetings of all types will be included in this category.

1731/3731 - Committee: All time spent in the performance of assigned committees.

O. 174 SUPERVISION

1740/3740 - Supervision - All time spent in the performance of supervisory duties for a

District or squad. Time spent accompanying a uniformed member on patrol and the on-site supervision of or assistance with radar, motor carrier, and traffic check activities will be included in this category.

P. 175 SPECIAL ASSIGNMENT II

1750/3750 - Reports: All time spent on preparation of required reports, with the exception of accident reports.

1754/3754 - Aircraft Pilot: All time spent by a pilot in actual flying of aircraft for Division related business.

1755/3755 - Aircraft Maintenance: All time spent by the pilot on routine maintenance of the aircraft.

1756/3756 - Vehicle/Radio Maintenance: All time spent on actual maintenance of assigned Division vehicle or radio.

Q. 177 SPECIAL OPERATIONS

1761/3761 - Special Operations Activity: All time spent by SWAT Team members in connection with civil disturbances, natural disasters, special security assignments, or training.

R. 177 INSTRUCTORS

1770/3770 - General Instruction: All time spent as an instructor for Highway Patrol Recruit Schools, in-service training programs, firearms training, accident investigation, schools, EVOC training, police standards courses, training classes for other agencies, or special training classes. Time spent in preparation for schools or courses would be included in this category.

1775/3775 - LET Instruction: All time spent as an instructor for Law Enforcement Training (LET) to include firearms training, accident investigation, schools, EVOC training, police standards courses, training classes for other agencies, or special training classes. Time spent in preparation for schools or courses would be included in this category.

S. 178 CAPITOL PROTECTION

1780/3780 - Capitol Protection: All time spent at the Capitol assigned to provide security to the building and associated complex buildings. This includes time spent at the Capitol during legislative session and any other assignment to the Capitol Complex.

1781/3781 - Dignitary Protection: All time spent assigned to the protection of various

officials, (i.e. The Governor, elected officials, Supreme Court). Training associated with this function should be included.

T. 190 SPECIAL OVERTIME

1902/3902 - DUI Enforcement: All time spent by members while assigned to the DUI enforcement project. This would include the DUI enforcement hours assigned during the Sturgis Rally, the State Fair and any other special events.

1903/3903 - Operation Safe/Sobriety Checks: Any overtime hours spent on "Operation Safe" or Sobriety Check Overtime.

1904/3904 - HIDTA Overtime: Any overtime hours spent working HIDTA Operations.

1905/3905 - Speed Overtime: All time spent by members working the speed enforcement program.

U. 74 LEAVE CODING

The following function numbers will be used to describe the type of leave taken.

- 740 - Annual Leave
- 741 - Sick Leave
- 742 - Emergency Sick Leave
- 743 - Military Leave
- 745 - Jury Duty
- 746 - Leave Without Pay
- 747 - Holiday Pay
- 748 - Suspension With Pay
- 749 - Suspension Without Pay
- 750 - Worker's Compensation Pay
- 777 - Administrative Leave

11.107 - FUNCTION NUMBERS AND CORRESPONDING ACTIVITIES FOR MOTOR CARRIER INSPECTORS

The function numbers to be used and the activities which apply to them are outlined below.

A. WEIGHING OF VEHICLES

2200/4200 - Weighing With Wheel Load Scales: All time spent in weighing motor carriers with portable wheel load scales.

2202/4202 - Weighing With Axle Load Scales: All time spent in weighing motor carriers with

semi-portable axle load.

2204/4204 - Weighing At Fixed Scale: All time spent weighing motor carriers at a fixed scale facility.

B. MOTOR CARRIER SAFETY CHECK

2206/4206 - MCSAP Motor Carrier Safety Check: All time spent checking motor carriers for compliance of the federal motor carrier safety regulations.

C. COUNTY ROAD ENFORCEMENT

2208/4208 - County Road Enforcement: All time spent weighing and checking motor carriers on county roads.

D. FEDERAL PROGRAMS

1903/3903 - Operation Safe/Sobriety Checks: All time spent on "Operation Safe" or sobriety check overtime.

2210/4210 - Hours of Service Overtime: All time spent in the performance of hours of service overtime.

2230/4230 - Level 1 Inspection Overtime: All time spent in the performance of conducting level 1 safety inspection overtime.

E. REPORTS

2212/4212 - Reports and Deposits: All time spent on preparation of required reports and making bank deposits.

F. TRAVEL

2213/4213 - Travel - Day: All time spent in travel to and from assigned work sites.

G. TRAINING

2215/4215 - Training: All time spent in classroom and field exercises related to any type of in-service training. This would include time spent by MC troopers on the firearms range for required annual qualification firing, time spent during the semi-annual physical fitness testing, and EVOC in-service. All time spent in training, as either student or instructor, will be coded to this function.

2233- MCSAP Training- Day: All time spent in classroom and field exercises related to in-service training between the hours of 1800 to 0600 on subjects related to Federal Motor carrier Safety Administration inspections and related activities. All time spent in training, as either student or instructor, will be coded to this function.

4233- MCSAP Training- Night: All time spent in classroom and field exercises related to in-service training between the hours of 1800 to 0600 on subjects related to Federal Motor carrier Safety Administration inspections and related activities. All time spent in training, as either student or instructor, will be coded to this function.

SOUTH DAKOTA

H. PERMIT SERVICES

2216/4216 - SDAPS/Permit Activity: All time spent while issuing permits either manually or via the South Dakota automated permitting process.

I. SAFETY AND EDUCATION ACTIVITY

2217/4217 - Safety and Education Program Activity: All time spent, including preparation, on public information meetings and seminars, truck driving championships and public presentations.

2218/4218 - Physical Aids: All time spent in furnishing physical assistance, including the aiding of stranded motorists.

J. INSPECTIONS

2219/4219 - Dyed Fuel Inspection: All time spent inspecting, drawing samples, preparing, and writing reports relating to the performance of dyed fuel inspections.

2220/4220 - School Bus Inspection: All time spent in the performance of the annual inspection required of school and non-profit buses.

2221/4221 - MCSAP/FMCSR Inspections: All time spent conducting Level 1 through Level 5 North American Standard Inspections or post-crash motor carrier inspections, performing Aspen data entry, and attending non-training meetings related to the federal motor carrier safety regulations.

K. COURT

2222/4222 - Court: All time spent in attendance or testifying in any type of court proceedings and in preparation for court appearances.

L. TRAFFIC CHECK

2223/4223 - Traffic Check - Day: All time spent participating in traffic safety checkpoints.

M. SCALE AND VEHICLE MAINTENANCE

2225/4225 - Scale Maintenance, Repair & Testing: All time spent on performing maintenance, repair, testing, and certifying of scales.

2227/4227 - Vehicle/Radio Maintenance: All time spent on actual maintenance of your assigned vehicle/trailer shall be entered to this function.

N. SPECIAL ASSIGNMENT & HOMELAND SECURITY

1501/3501 - Homeland Security: All time dedicated in any manner to homeland security.

1780/3780 - Capitol Protection: All time spent at the Capitol assigned to provide security to the building and associated complex buildings. This includes time spent at the Capitol during legislative session and any other assignments of the Capitol complex.

1781/3781 - Dignitary Protection: All time spent assigned to the protection of various officials (i.e. The Governor, elected officials, Supreme Court). Any training associated with this function should also be included.

2226/4226 - Special Assignment: All time spent in attendance at District meetings, assigned meetings, seminars, and demonstrations.

O. ADMINISTRATION & SUPERVISION

2228/4228 - Administration & Supervision: All time spent in the supervision of port personnel. This includes all activity not pertaining to the administration or supervision of MCSAP related duties.

2231/4231 - MCSAP Administration & Supervision: All time in the performance of administrative or supervisory duties for a District or zone, directly related to MCSAP/FMCSR program activities. Time spent accompanying a uniformed member on patrol and the on-site supervision of or assistance with federal motor carrier safety activities will be included in this category.

P. LEAVE CODING

The proper function number will be used to designate the type of leave taken.

740 - Annual Leave
741 - Sick Leave
742 - Emergency Sick Leave
743 - Military Leave
745 - Jury Duty
746 - Leave Without Pay
747 - Holiday Pay
748 - Suspension With Pay
749 - Suspension Without Pay
750 - Worker's Compensation
777- Administrative Leave

11.2 - CASE REPORT

PURPOSE

The purpose of this directive is to provide direction on the proper completion of Division's case reports.

The case report form will serve as an incident and/or an offense report. It may also be utilized whenever a uniformed member is required to file an informational report covering areas not classed as an incident or offense.

11.201 - No abbreviations will be used in the body of the report. Full names and titles will be used when referring to people. Administrative numbers or radio call numbers will not be used when referring to the officer submitting the report or other officers or agencies. Reports will be written in first-person and in past tense.

11.202 - MANDATORY USE AND FILING REQUIRED

It shall be mandatory that a case report be completed and filed to cover the following situations:

A. D. U. I. Arrests.

B. Shots Fired (by a uniformed member or at a uniformed member).

C. All apprehensions including felony and misdemeanor apprehensions (including any assist in an apprehension).

D. Use of Physical Force or Deadly Force (by a uniformed member or in the assaulting of a uniformed member).

E. Reporting of a Job Related Injury/Workers Comp Claim.

F. Report of Fatal Accidents.

G. Reporting Intelligence Information.

H. Report of Division Vehicle Accidents.

I. All Drug Arrest Cases (including paraphernalia arrests)

J. All cases where a report is required by a state's attorney or the Attorney General's Office for prosecution purposes.

The initial report submitted by a uniformed member shall be as complete as possible, at the time of submission. Supplemental reports may be submitted at any time circumstances warrant such reports.

11.3 - CITATION AND WARNING TICKETS

11.301- All uniform members shall use the electronic ticketing software unless the software is unavailable or it is not practical.

11.302 - All written citation and warning tickets will be issued in numerical order.

11.303 - All written citation and warning tickets will be written in a legible manner using black ink.

11.304 - All citations and warning tickets will be completely filled out and the information will be accurate. Mandatory information will include the following in the given format:

a. On citations, the county of the violation, the Judicial Circuit and the defendant's last name will be put in the appropriate boxes.

b. Date and time will be written numerically. The date will be listed by the month, date, and year. Dashes (-) or slashes (/) will separate each set of numbers. Military twenty-four hour time will be used to record the time of the enforcement.

c. The numerical identifier of the highway, street, or avenue will be preceded by the following alpha characters. Interstates will be designated by "I". U.S. highways will be designated by "US". State highways will be designated by "SD". County highways will be designated by "CO". Township roads will be designated by "TWP". BIA roads will be designated by "BIA". Forest Service roads will be designated by "FS".

d. When enforcement action takes place within the boundaries of a city, the name of the city will be listed. The officer will have the option of adding the street name(s) or number(s).

e. Officers may use the street or avenue 911 number designations with no prefix identifier.

f. The nearest mileage reference marker must be shown on all tickets written on interstate, U.S. and state highways. For all other highways or roads, list the distance from a town, junction of state and/or federal highway...

g. Tickets written at a junction of highways must indicate one highway only and its appropriate mileage reference marker, if applicable. Use the highway upon which the actual violation occurred.

h. The name of the violator must be shown by printing the first name first, followed by the middle name or initial and last name last. The violator's current and correct address, as well as physical description and complete date of birth must be included.

i. The issuing officer will list their last name and administrative number, legibly written in the designated section.

j. Only one violation shall be listed on each hand written citation. The correct SDCL statute number will be used, as well as a written description of the violation. The letter "F" will be placed behind all felony SDCL codes.

k. In accordance with SDCL 27-11-5.1, the name of the school will be written in the violation description area for all students that are suspected of violating drug or alcohol laws or of threatening violence.

l. In accordance with 32-25-21, the speed in which the defendant is alleged to have driven and the legal speed limit will be listed on the citation in the appropriate area.

m. Officers shall also mark the appropriate and applicable boxes for the offense, commercial drivers, and vehicles and hazardous materials.

n. All information on the summons and promise to appear section will be completed as listed. The boxes relevant to the court appearance and power of attorney will be clearly marked. If using a power of attorney, the fine amount will be listed.

11.305 - All warning tickets will be completely filled out and the information will be accurate. Mandatory information will include the following in the given format.

a. Date and time will be written numerically. The date will be listed by the month, date, and

year. Dashes (-) or slashes (/) will separate each set of numbers. Military twenty-four hour time will be used to record the time of the enforcement.

b. The numerical identifier of the highway, street or avenue will be preceded by the following alpha characters. Interstates will be designated by "I". U.S. highways will be designated by "US". State highways will be designated by "SD". County highways will be designated by "CO". Township roads will be designated by "TWP". BIA roads will be designated by "BIA". Forest Service roads will be designated by "FS".

c. When the warning action takes place within the boundaries of a city, the name of the city will be listed. The officer will have the option of adding the street name(s) or number(s).

d. Officers may use the street or avenue 911 number designations with no prefix identifier.

e. The nearest mileage reference marker must be shown on all tickets written on interstate, U.S. and state highways. For all other highways or roads, list the distance from a town, junction of state and/or federal highways, or a well-known landmark.

f. Warning tickets written at a junction of highways must indicate one highway only and its appropriate mileage reference marker, if applicable. Use the highway upon which the actual violation occurred.

g. The issuing officer will list their last name and administrative number, legibly written in the designated section.

h. Up to three violations may be written on a warning ticket. The box corresponding with the type of violation will be checked, as well as the correct SDCL statute number written on the lines provided above the violation type.

i. Warning tickets are not written to allow a person to violate the law. Rather, it is to point out the violation and ask for compliance in the future. In instances of equipment or licensing violations, the officer may give a specific time frame to correct the problem. In accordance with SDCL 32-21-29, the maximum length of time for corrections to be made is ten days.

CHAPTER 13 – PHYSICAL FITNESS TESTING

PURPOSE

The South Dakota Highway Patrol has established a program for measuring an individual officer's level of physical fitness. It is intended to encourage officers to improve or maintain their fitness level without causing injury and allows them to select an individual program for themselves to meet these standards.

POLICY

Physical fitness is every officer's individual responsibility. Regular, vigorous exercise can increase muscle strength, tone, and endurance; improve the respiratory and cardiovascular function; improve the flexibility of joints; promote a feeling of mental and physical wellbeing; and, control or reduce body weight. With these characteristics, an officer would possess the means to accomplish daily tasks, both occupational and recreational without undue fatigue or risk of injury.

13.1 - ADMINISTRATION OF FITNESS TESTING

13.101 - Each officer will be required to maintain a physical level which will guarantee individual performance of at least the "ACCEPTABLE" category in testing twice each year. The tests will be administered during the months of September and April and should be accomplished as either a District or squad/zone function.

13.102 - District Administrative Lieutenant or his designee will serve as testing officers and will conduct all testing sessions uniformly and impartially. They shall be responsible for recording the results of each event for each individual. The Assistant Superintendent or his designee will serve as the testing officer for Headquarters personnel.

13.103 - Any officer who is unable to perform or performs below the "ACCEPTABLE" fitness category on any test(s) will have one additional opportunity to pass the PT test by the end of October or May. No extensions to this timeframe will be authorized. The additional retest shall be administered by any supervisor who holds the rank of sergeant or above.

13.104 - If a trooper fails the PT test two times within the authorized timeframe, the following will ensue:

The trooper will be immediately scheduled for a medical exam:

- If the medical exam reveals no apparent reason for the trooper's inability to perform the test, the trooper will be placed on a WIP and may be disciplined to include suspension or termination.
- If the medical exam reveals a health condition that may cause the trooper's poor performance, the trooper will be placed on sick leave until the medical doctor signs a return to work document for the trooper.
 - Once a return to work document is provided to the SDHP, the trooper will be required to take the PT test within 4 weeks of their return.
 - If the trooper passes, excellent.
 - If the trooper fails, that trooper will have the opportunity for one additional re-test that shall be completed within 2 weeks of the failure.
 - In absence of an additional health condition, if the trooper fails a second time they will be placed on a WIP and may be disciplined to include suspension or termination.

13.2 - FITNESS TESTS

13.201 - Sit-up: a test to measure the abdominal muscular endurance.

13.202 - Push-up: a test to measure the muscular endurance of the upper body.

13.203 - Vertical jump: a test to measure the ability to summon up a burst of muscular power.

13.204 - 1.5 mile run: a test to measure aerobic power or cardiovascular endurance.

13.205 - Those Troopers who meet or exceed all 4 scores for their age group for the 80th Percentile Maximum Standards during the fall PT test will not be required to participate in the spring PT test.

13.3 - FITNESS STANDARDS AND PROCEDURES

13.301 - Sit-up - this test measures the abdominal muscular endurance.

A. The officer starts by lying on their back, knees bent, and heels flat on the floor. Arms will be crossed over the chest. The arms and hands should not be used to pull or jerk the upper torso in a sit-up exercise.

B. A partner holds the feet firmly. A correct sit-up is counted when the Officer's shoulder blades come off the ground and the elbows touch his/her knees. The testing officer then

performs as many correct sit-ups as possible in one minute. If the Officer needs to rest, they are required to do so in an up position.

C. The score is the total number of correct sit-ups completed in 60 seconds.

	Male				Female			
	20-29	30-39	40-49	50 +	20-29	30-39	40-49	50 +
Situps	33	30	24	19	24	20	14	10

	Maximum Standard 80th Percentile							
	Male				Female			
	20-29	30-39	40-49	50 +	20-29	30-39	40-49	50 +
Situps	47	43	39	35	44	35	29	24

13.302 - Push-up - this test measures the muscular endurance of the upper body (anterior deltoid, pectorals major and triceps).

A. The officer places their hands about shoulder-width apart, with fingers pointing forward. Starting from the up position, with the elbows extended. The officer's back is straight at all times during the exercise.

B. The officer lowers the body to the floor until the upper arm and back form a line that is parallel with the floor or until the elbow has a 90 degree bend. Returning to the up position from this point is one repetition of the exercise.

C. The score is the total number of repetitions performed. Resting is allowed in the up position with both hands on the ground. The counting of repetitions ceases when either of the knees touch the ground or one or the other hand is lifted off the ground.

	Male				Female			
	20-29	30-39	40-49	50 +	20-29	30-39	40-49	50 +
Pushups	22	17	11	9	10	8	6	**

** There is no data in pushups for females in the 50 + category

	Maximum Standard 80th Percentile							
	Male				Female			
	20-29	30-39	40-49	50 +	20-29	30-39	40-49	50 +
Pushups	47	39	30	25	28	23	15	**

** There is no data in pushups for females in the 50 + category

13.303 - Vertical Leap, this test measures the ability to summons up a burst of muscular power. Power is defined as the ability to release maximum force in the fastest possible time.

A. Standing 1 foot from the wall or measuring standard, the officer extends the arm, closest to the wall or measuring standard, up until the elbow is straight without stretching the shoulder. A mark or measurement is taken from the fingertip.

B. The officer shall then jump as high as possible, touching the wall or measuring standard. The officer may jump from a position directly under the wall or measuring standard or may take one step to rearward with one foot. The officer may also crouch down and swing their arms up to carry him higher.

C. The score is the measurement in inches between the beginning mark and the highest mark reached during the jump.

	Male				Female			
	20-29	30-39	40-49	50 +	20-29	30-39	40-49	50 +
Vertical Jump	17.5	16.5	14	11.5	12.5	11	7.5	**

** There is no data in pushups for females in the 50 + category

	Maximum Standard 80th Percentile							
	Male				Female			
	20-29	30-39	40-49	50 +	20-29	30-39	40-49	50 +
Vertical Jump	24	22	19	17	17.5	15	13	**

** There is no data in pushups for females in the 50 + category

13.304 - One and one half mile run. - This test is a measure of aerobic power (cardiovascular endurance).

A. The objective of the 1.5 mile run is to cover the distance as fast as possible.

B. Test location should be as flat as possible and allow for the distance to be covered with minimal directional changes. Tracks or other circular courses with few 90 degree turns are acceptable.

C. While taking part in the 1.5 mile run, officers may, without limit, stop to walk and re-start running.

D. During the administration of the test, officers may be informed of lap or distance times. The score will be the time the officer crosses the finish line. Finish times shall be called out for the officer.

E. Upon test completion, a mandatory cool down period is enforced. The officers should walk slowly for approximately five minutes immediately after the run to prevent venous pooling.

	Male				Female			
	20-29	30-39	40-49	50 +	20-29	30-39	40-49	50 +
1.5 Mile Run	13:58	14:33	15:32	17:30	17:11	18:18	19:43	21:57

	Maximum Standard 80th Percentile							
	Male				Female			
	20-29	30-39	40-49	50 +	20-29	30-39	40-49	50 +
1.5 Mile Run	10:08	10:38	11:09	12:08	11:56	12:53	13:38	15:14

13.305 - Officers should keep a daily log of fitness activity. A simple chart of the date, distance covered, mode of activity, and time spent on the activity.

A. Establish a training heart rate and check it periodically during the activity. If your heart rate at the end or during the activity is greater than your training heart rate, decrease the intensity of your activity. If your heart rate is consistently over this level, consult your physician.

B. Keep active during the day. Develop better activity habits. Begin to think in terms of activity; sit less and move more.

C. Remember that diet control, restricted dietary fats and proper body weight, and a controlled and guided exercise program and abstinence from tobacco will significantly improve your fitness level and your entire cardiovascular system.

D. Report to your physician if you develop any of the following symptoms during or after your daily exercise session:

1. Excessive fatigue;
2. Unusual joint, muscle or ligament problems;
3. Chest pain;
4. Pain in teeth, jaw, arms or ears;

5. Light-headedness or dizziness;

6. Irregularity of pulse;

7. Nausea and/or vomiting;

8. Headache;

9. Heart rate consistently over the training heart rate at the end of exercising.

E. Do not exercise immediately after meals. Wait at least 45 minutes. Do not take a hot shower immediately after exercising. Cool down before showering.

F. When beginning with walk-jog-run exercises, they should be done on level surfaces. Jogging should be done with the total body relaxed as much as possible, particularly in the arms and shoulders. Do not try to jog fast, it is more important to jog or exercise for longer periods of time.

G. Be particularly careful in selecting appropriate footwear. Running shoes should not be used for racquetball, basketball, etc. Select shoes with good support and a cushioned sole. Running shoes should have a slight heel lift. If leg or foot soreness persists, consult your physician.

H. An exercise session should consist of the following steps:

1. Warm-up with stretching and flexibility movements, five to ten minutes;
2. Aerobic activity, thirty minutes at 70-80% of training heart rate;
3. Whole body activity, muscular strength or endurance activity, ten minutes;
4. Cool down, five to ten minutes.

I. This program is intended to foster scheduled physical activity that will keep the officer physically fit. Meeting the requirements at each testing period without maintaining a continuous fitness program is not recommended.

CHAPTER 14 – POLICE SERVICE DOG

PURPOSE

The South Dakota Highway Patrol has established the police service dog unit to aid in the detection of illegal narcotics, marijuana, explosives, and explosive devices. In addition to these detection services, the police service dog unit can assist with locating missing persons, evidence recovery, tracking, officer protection, and the apprehension of criminals in a variety of scenarios.

POLICY

These policies and procedures are adopted to assist the police service dog unit supervisor, handlers, field troopers and other law enforcement agencies who need assistance from the police service dog unit. These policies are supplemental to existing policies in this manual.

14.1 - DEFINITIONS

Police Service Dog

A trained and certified canine used by the Division of Highway Patrol to assist with law enforcement duties.

Police Service Dog Handler

A uniformed and certified member of the Highway Patrol who has been trained in the care and handling of a police service dog, and who has been authorized and designated by the Highway Patrol to utilize a police service dog to perform law enforcement duties.

Police Service Dog Team

A police service dog handler and a police service dog.

Police Service Dog Unit

All of the police service dog teams shall comprise the police service dog unit for the Highway Patrol.

Police Service Dog Unit Commander

The supervisor of the Police Service Dog Unit to include all PSD teams and Sergeants within PSD District 9.

PSD

An abbreviation for Police Service Dog; consistent with terminology in the PSP manual.

14.2 - COMMAND STRUCTURE

14.201 - The police service dog team is assigned to PSD EAST or PSD WEST corresponding to the location of the duty station of the team.

14.202 - The police service dog handler will be supervised by the PSD Sergeant of their geographical area of their duty station, and the PSD Unit Commander.

14.203 - The police service dog Unit Commander will supervise the care and training of the police service dog team.

14.204 - The Police Service Dog Unit Commander shall report directly to the Assistant Superintendent of the Highway Patrol.

14.3 - POLICE SERVICE DOG HANDLER RESPONSIBILITIES

14.301 - Police service dog handlers for the South Dakota Highway Patrol shall successfully complete basic training as approved by Division. This basic training shall consist of, but is not limited to:

Detection skills for narcotics, or explosives

A. Patrol dog skills

B. Obedience

C. Psychology, First Aid, daily care and maintenance

D. Legal updates

E. The dog and handler will be successfully trained to an appropriate skill level by a qualified Detector or Patrol dog Instructor. The competency can then be evaluated and declared by a qualified Detector or Patrol Dog Judge.

14.302 - Police service dog handlers shall provide for the humane treatment of the canine and shall not neglect or misuse the animal at any time.

14.303 - Police service dog handlers shall maintain control of the canine at all times.

14.304 - Police service dog handlers are not allowed to use the canine in the following manner:

A. For breeding purposes.

B. In any type of show or competition unless approved by the Superintendent or the police service dog unit supervisor.

C. In any manner not consistent with training and deployment practices established during the initial training of the team.

14.305 - The police service dog unit Commander shall maintain appropriate medical records and ensure that all vaccinations or other medical needs are provided.

A. A copy of all medical records and vaccinations shall be maintained by the handler.

14.306 - The police service dog team shall also be required to certify annually. These certification requirements will be in accordance with the PSP criteria governed by International Congress of Police Service Dogs and recognized as a fulfillment of the State certification requirement set by the Law Enforcement Standards and Training Commission.

14.307 - Police service dog handlers shall be responsible for the maintenance of all state owned property assigned to them.

14.308 - Police service dog handlers shall properly complete and submit all training and deployment documentation essential as a member of the police service dog unit, and the South Dakota Highway Patrol.

14.309 - The police service dog handler shall be responsible for the care, control and maintenance of the canine when off-duty.

14.310 - The police service dog handler shall not register the canine with any society or organization without the approval of the Superintendent or the police service dog unit Commander

14.311 - Willful or negligent misuse or improper handling of a police service dog will subject the handler to disciplinary action.

14.312 - The police service dog handler will keep their assigned canine with them at all times while on-duty, except when the canine is physically unable, unsuitable for duty, or unless otherwise directed or approved by the District Commander or the police service dog unit Commander

14.313 - Should a police service dog handler become incapacitated, placed on special assignment without the canine, or is on leave for an extended period of time and is unable to care for or maintain the canine, the police service dog unit Commander shall assist the police service dog handler in obtaining proper care and maintenance of the canine.

14.314 - Police service dog handlers should not take the canine into public places except on official business.

14.315 - Police service dog handlers shall be responsible for keeping the vehicle and all

police service dog equipment assigned to them clean and sanitary as a regular part of their duties.

14.4 - SUPERVISOR REQUIREMENTS

14.401 - The Police Service Dog Sergeant shall serve as the first line supervisor for the police service dog handlers.

14.402 - The supervision of the police service dog handlers shall include, but not limited to:

- A. The regular inspection and evaluation of police service dog handlers and equipment;
- B. The analysis of demand and assignment of services based upon approved operating procedures;
- C. The scheduling of all police service dog handlers' operations;
- D. The requisitioning of supplies and materials according to existing procedures.

14.403 - The police service dog unit Commander responsibilities shall include, but not be limited to:

- A. The maintenance of statistics and generation of reports which document police service dog operations and training;
- B. The inspection of kennel facilities constructed at the police service dog handler's residence;
- C. The maintenance of health records for each police service dog;
- D. Training of police service dog handlers and dogs to include the establishment of training agenda and support for training needs.

14.404 - The police service dog unit Commander shall assist District Commanders to approve or deny requests for public demonstrations, and school sniffs of the police service dog units.

14.17 - UNIFORMS

14.1701 - The Superintendent may authorize certain changes in the prescribed uniform of

the police service dog handler as the need dictates. Regardless of the style of uniform worn, it will be complete as prescribed (refer to 5.1).

14.1702 - In addition to the standard issue uniforms received by members of the Highway Patrol, police service dog handlers shall also be issued:

1. Wash and wear BDU or similar style uniforms
2. Baseball style cap

14.19 - RETIREMENT OF POLICE SERVICE DOGS FROM SERVICE

14.1901 - When a police service dog is no longer capable of performing the acceptable standards due to illness, injury, mental condition, or years of service, it will be retired.

14.1902 - If practical, the Superintendent may allow the police service dog handler to purchase the retired canine for the price of one dollar. The proceeds from the sale shall be deposited in the state general fund. Upon transfer of ownership of the canine and equipment, the police service dog handler will be required to sign a release form accepting all responsibilities for the canine and related equipment.

14.1903 - If it is necessary to find an owner other than the police service dog handler, every effort will be made to find a new owner who will care for the animal in a humane and cordial manner. Preference may be given to members of the South Dakota Highway Patrol who are interested in accepting ownership of the canine. The new owner will be required to sign a release form accepting all responsibilities for the canine.



SOUTH DAKOTA

CHAPTER 15 – SCALE OPERATIONS

PURPOSE

This article will establish the procedures and operation of fixed and portable scales by uniformed members of the South Dakota Highway Patrol.

POLICY

The South Dakota Highway Patrol recognizes the importance of following manufacture recommendations, standards set by the National Conference on Weights and Measures, and state statute when using and maintaining scales for the purposes of enforcement. Uniformed members shall adhere to these recommendations and statutes whenever using fixed or portable scales for the purposes of enforcement.

15.1 - MOBILE SCALES

15.101 - Select an area which is not in a traffic lane. Extreme care must be taken to ensure safe passage for the motoring public, and the safety of people at the site. There must be a minimum of one-quarter mile of unobstructed visibility in each direction from the proposed site.

15.102 - When using portable scales, it is necessary to ensure that a relatively level site is located for the placement of the scale and the adjacent traffic lane entering and exiting the actual scale site. In order to ensure accuracy during a weighing operation, all permanent weigh sites shall be checked with an acceptable device to determine if the site is within specifications. Permanent locations constructed under the guidance of SDDOT engineers shall have meet all requirements.

15.103 - The immediate area used for the actual weighing operation should be free from potholes or similar defects that could affect the weighing operation.

15.104 - The location chosen to place axle load scales should be relatively clean of all debris that could affect the operation of the scales. Wheel load scales should be placed on a surface according to the manufacturers recommendations.

15.105 - Operators must ensure that the weighbridge is able to flex downward when the scales are used.

15.106 - On multi-lane divided highways, a complete set of signs is to be erected on the right side of the road every time a truck check/weigh operation is instituted. Erect the signs in the most effective manner to draw the attention of truck drivers to the check/weigh operation.

15.107 - On all other highways, erect a complete set of signs in each direction of travel that trucks are intended to be checked every time a truck check/weigh operation is instituted. In all cases, erect the signs in the most effective manner to alert truck drivers to the check/weigh operation.

NOTE: When allowable, the first two signs required in section 15.106 and 15.107 shall be placed at a minimum distance of $\frac{1}{2}$ mile and $\frac{1}{4}$ mile, respectively. The third sign shall be placed near the entrance to the check/weigh location. These sections do not apply to the temporary stopping and checking of a vehicle for compliance with the motor carrier regulations.

15.108 - To help ensure that trucks do not inadvertently by-pass the truck check/weigh operation, the amber warning light on the division vehicle will be activated at all times that trucks are required to stop and be checked or weighed.

15.109 - The division vehicle will be placed in the most advantageous position to ensure that the amber warning light may be seen by approaching traffic and still not interfere with the use of the scales.

15.110 - Select a weigh site which meets the level plane requirements prescribed by Handbook 44 and the scale manufacturer.

A. When choosing locations to weigh trucks found in roving operations, select a location which keeps safety in mind. The area should have unrestricted visibility for one-quarter mile for other traffic using the highway. The provisions of SDCL 32-30 must be followed in order to ensure safe passage for the motoring public.

B. Proper vehicle placement techniques must be used for the division vehicle in order to ensure site safety for on-site uniformed members and the motoring public.

15.2 - OPERATION OF WHEEL LOAD (HAENNI) SCALES

15.201 - The wheel load scales are to be operated in accordance with the manufacturer's recommendations.

15.202 - All scales shall be zeroed prior to weighing any vehicle

15.203 - The tires of the vehicle being weighed must be within the manufacturer's recommended boundary on the scale unit. Failure to do so will result in a less than actual weight indication.

15.204 - To reduce static friction errors when weighing, the brakes should be released and the vehicle placed in neutral. Use blocks if necessary to prevent any movement of the vehicle. Instruct the driver to release the tractor brakes and set the trailer brakes when weighing the tractor axles, and set the tractor brakes and release the trailer brakes when weighing the trailer axles.

15.205 - Scale blanks shall be utilized to raise the axle groups to the same plane, as recommended in the Haenni scale manual.

15.206 - Make sure the site to be used is within the slope limits required by Handbook 44 and the Haenni Corporation (maximum 5% longitudinal slope, and maximum 5% cross slope). Also make sure the site is even, and there is no debris under the scale units.

15.207 - Any problems encountered with a particular scale shall render that scale unusable and it shall be taken out-of-service until the problem has been corrected.

15.208 - Minor problems with the scales may be corrected by following these procedures:

A. Check under the scale for large debris.

B. Check for conditions that may create static friction.

C. Make sure the required amount of scale blanks are being used.

15.209 - Platforms must be cleaned off periodically. The units should be washed with a wet towel, however if necessary, they can be washed with a hose by setting the unit on end with the indicator to the top. Although water will not damage the scale units, they should be kept as dry as possible. Pressure washers shall not be used to clean wheel load scales.

15.210 - Haenni scales are recommended not to be used at ambient temperatures of less than zero degrees nor more than 120 degrees Fahrenheit.

15.3 - WHEEL LOAD SCALE TESTING & CERTIFICATION

15.301 - Certification from the manufacturer will be accepted upon receipt of each individual scale.

15.302 - Subsequent testing and certification will be conducted on a bi-annual basis. N.I.S.T. standards require scales to be certified annually. Scales exceeding a one-year certification period will immediately be removed from service, until such time they are tested and certified.

15.303 - Testing, approval or rejection, and certification will be documented on form HP505-S.

15.4 - OPERATION OF FIXED (PERMANENT) SCALES

15.401 - Operation

A. For best results, leave the power to the indicator on continuously unless severe thunderstorm activity is present in the area.

NOTE: Section A does not apply to those scales not routinely manned on a 24/7 basis. Those scales shall have the power disconnected when not in use.

B. If power to a scale has been disconnected, the scales should be exercised with at least three passes of a vehicle before starting to weigh for enforcement purposes.

C. Each fixed scale shall be checked for proper zeroing at the beginning of each shift.

D. On all vehicles being weighed, the brakes should be released and the vehicle placed in neutral. Use blocks if necessary to prevent any movement of the vehicle.

E. The scale platform and adjacent ramps should be kept as free as practical of snow, ice and other debris.

F. Make a periodic check to ensure there has been no debris build-up under the

weighbridge or in the scale pit.

G. Make periodic checks to ensure the load bearing components are properly seated on their pads.

H. Protect all electronic cabling from accidental damage.

I. Upon discovering any problems with the scales, immediately cease the weighing operation and remove the scales from service until the problem has been corrected.

15.5 - FIXED SCALE TESTING & CERTIFICATION

15.501 - Each fixed scale and indicator will be periodically inspected and shall be certified annually.

15.502 - The scale shall also be re-certified whenever maintenance and repair of the system is required.

15.503 - Anytime there is a malfunction in the scale or indicator, it will be taken out of service until the unit has been checked and repaired.

15.6 - PORT OF ENTRY OPERATIONS

15.601 - Port operation may be up to 24 hours per day, seven (7) days per week. Supervisors shall schedule operations to maximize hours of operation in comparison to available personnel which may include all hours of a work day and weekends.

15.602 - If weather or road conditions exist that would greatly reduce the safe operation of the port and would increase the risk to the motor carrier industry or traveling public, the Port of Entry will cease weigh operations until conditions improve and the area has been cleared of the hazard. In the event closing is considered, the BOP Inclement Weather Policy will be strictly followed.

15.7 - PORT CLOSING PROCEDURE

15.701 - When weather conditions are such that it is believed a Port of Entry should be closed or the Inspectors should not be traveling to accomplish their assigned duties, the Port Manager shall contact the zone sergeant who in turn will contact the District office. The Superintendent or Assistant Superintendent must be consulted before any such closing.

15.702 - When a Port of Entry is closed in observance of a holiday, for meetings designated

by the District Commander, or for inclement weather, the following closing procedures shall be followed:

A. Secure all windows.

B. Remove all cash and checks from the cash drawer.

C. Turn furnace down to 70 Degrees F or air conditioner up to 80 degrees F depending upon the season.

D. Unplug all small electrical appliances in the break room.

E. Turn off all lights, excluding security lights.

F. Lock all exterior doors.

G. Place cones around scale pad to prevent trucks from driving onto the scale.

H. Inform dispatch of the out-of-service status.

I. Turn the sign on the Interstate to the "CLOSED" indication.

J. A sign indicating a phone number to call for permit issuance will be conspicuously displayed in the window.

K. Telephones will be "rolled-over" to another open Port of Entry facility. In the event no other facility is open, a recording will be used to inform the public when normal operations will resume.

15.8 - GENERAL REQUIREMENTS

15.801 - Proper courtesy will be displayed at all times when dealing with the public.

15.802 - Proper telephone etiquette will be followed at all times. All calls for permits, information, or assistance are handled professionally and as efficiently as possible.

15.803 - Courtesy will be used at all times when operating the public address system. A normal tone of voice will be used and the volume will be adjusted so as not to interfere with any residential areas located within close proximity.

15.804 - In scale facilities and division vehicles equipped with audio/visual equipment, the policies in Article 7.11 will be followed.

15.805 - Tourists that come into a scale facility or truck check requesting assistance or information will be treated as guests of the State and given any assistance required within your means.

15.806 - Upon observing a motor carrier by-passing a scale facility or truck check, the nearest Highway Patrol unit or appropriate State Police Radio dispatch center should be contacted for assistance. Information such as the description of the vehicle, direction of travel and the time factor involved shall be provided to the responding unit.

15.9 - BUILDING AND SITE MAINTENANCE

15.901 - Inspectors are required to provide general upkeep of the attended scale facility. This may include, but is not limited to, sweeping, mopping, dusting or any other housekeeping duties assigned by a supervisor.

15.902 - The exterior cleanliness of the scale facilities will be the responsibility of inspectors.

15.903 - Sidewalks and scale pads will be kept clear of snow by the Motor Carrier Inspectors working at the time of the snowfall. The removal of snow on the exit and entry ramps, and the parking area will be accomplished by the Department of Transportation.

15.904 - The positioning of pop or candy machines in or near a scale facility is permissible, however, they must not be positioned in such a manner as to affect the efficient operation of the port. Division Headquarters will conduct business with the owner or owners of the machines, with all profits generated being remitted to the general fund. Cigarette or tobacco vending machines are not authorized.

15.10 - OFF LOADING OVERWEIGHT TRUCKS

15.1001 - Motor carriers will not be allowed to pile or store overweight portions of their loads at a scale location. Overweight portions must be loaded onto other vehicles.

15.1002 - If off-loading arrangements are unreasonable or impossible to make, the Inspector should contact a supervisor. At that time, on-site off loading or the sale of an overweight permit may be authorized, as per SDCL 32-22-51.

15.11 - PROCEDURE FOR HANDLING WANTED SUBJECTS

15.1101 - Upon receiving a 10-16 (NCIC) hit, attempt to verify the accuracy of the hit by matching the name, DOB, and physical description. If verification is determined, notify dispatch by the proper teletype or telephone procedure.

15.1102 - Upon receiving a 10-29 (South Dakota Wants and Warrants) hit, attempt to verify the accuracy of the warrant. If proper verification is determined, notify dispatch by the proper teletype, radio or telephone procedure.

15.1103 - A request shall be made for the nearest, Highway Patrol Trooper, or deputy sheriff to be dispatched to the scene for final verification and apprehension. An attempt should be made to not alert the suspect of knowledge of the warrant.

15.1104 - Normal business should be conducted with the subject, completing all inspection and documentation of registrations, logs or other paperwork. This should be done without giving indication of your knowledge of the active warrant.

15.1105 - If the trooper, or deputy sheriff arrives at the location before the subject leaves, brief the officer and turn the subject over to them. If business is completed before the trooper, or deputy sheriff arrives, do not attempt to hold or detain the subject. Allow the subject to leave, verify vehicle description and notify dispatch or local dispatch of the vehicle description, departure time and direction of travel.

15.1106 - The Highway Patrol Vehicle Inventory Policy will be adhered to anytime a custodial arrest takes place.

15.1107 - The above procedure outlined in 15.1103 to 15.1107 will apply anytime a custodial detainment is required.

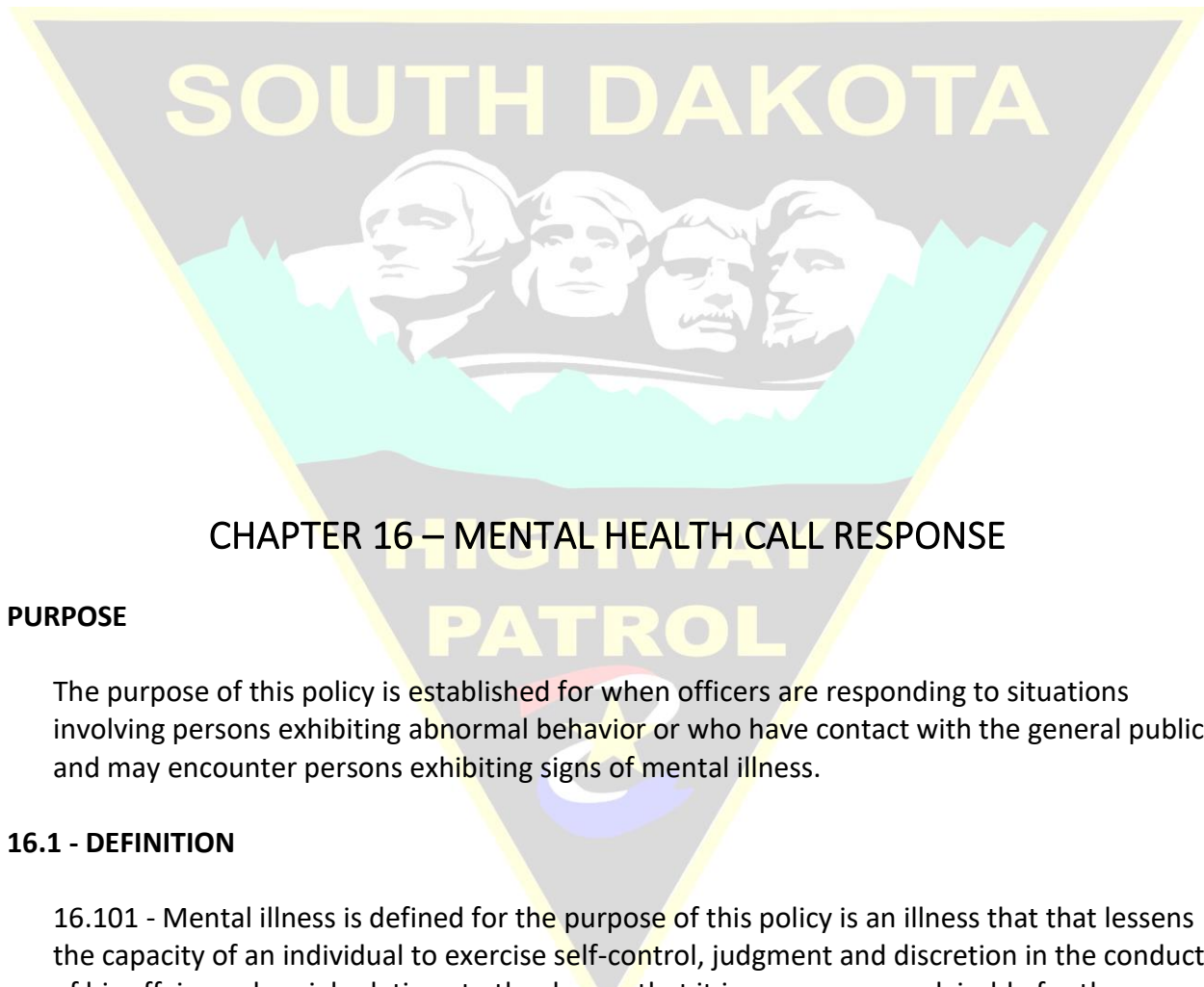
15.12 - Indoor Inspection Facilities

Purpose - To ensure the safety of all persons using indoor inspection facilities when inspecting vehicles transporting dangerous materials.

15.12 - To ensure the safety of the inspector(s) and the truck drivers(s), persons using an indoor inspection facility will adhere to the following:

1. No inspections will be performed inside an inspection facility on vehicles transporting cryogenic liquid hydrogen or on vehicles powered by Liquefied Natural Gas (LNG) or Compressed Natural Gas (CNG).
2. Inspection of vehicles transporting poison or materials toxic by inhalation, any compressed or cryogenic gases, and flammable or combustible liquids will perform inspections either outside or with both bay doors fully open.
3. Before allowing the vehicle into the inspection facility, the person conducting the inspection shall walk around the vehicle and inspect for leaks of hazardous materials. No vehicles will be permitted to enter the facility if they are leaking hazardous materials.

4. In the event of a release of a hazardous material, the officer will immediately terminate the inspection; open the bay doors if possible, evacuate the inspection bay, secure the area, deny entry except to qualified personnel, and call for assistance from an appropriate response team. A supervisor will be notified immediately or at the first available opportunity.



CHAPTER 16 – MENTAL HEALTH CALL RESPONSE

PURPOSE

The purpose of this policy is established for when officers are responding to situations involving persons exhibiting abnormal behavior or who have contact with the general public and may encounter persons exhibiting signs of mental illness.

16.1 - DEFINITION

16.101 - Mental illness is defined for the purpose of this policy is an illness that that lessens the capacity of an individual to exercise self-control, judgment and discretion in the conduct of his affairs and social relations to the degree that it is necessary or advisable for the person to be under treatment, care or supervision.

16.2 - TRAINING

16.201 - All employees will receive training on how to interact with individuals suspected of suffering from mental illness. Entry level personnel will receive documented training during the Basic Law Enforcement Training (LET). This training will be provided to sworn personnel during in-service training every two years. All training documentation will be maintained by

the District in the employee's training file.

16.202 - Mental illness is often difficult for even trained professional to define in a given individual. Employees are not expected to make judgments of mental or emotional disturbance but rather to recognize behavior that is potentially destructive and/or dangerous to self or others.

16.203 - Communications personnel will have access to referral information for available community mental health resources and authorized emergency evaluation facilities and will, upon request, provide this information to employees or citizens. During LET and in-service training employees will be familiarized with procedures for accessing available community mental health resources.

16.3 - OFFICERS ACTIONS

16.301 - Should an officer suspect that an individual may be mentally ill and a potential threat to himself or the officer, or who may otherwise require law enforcement intervention for humanitarian reasons as prescribed by statute, the following responses may be taken:

A. Request a backup officer, and always do so in cases where the individual will be taken into custody.

B. Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual (the practice of non-violent intervention techniques are particularly valuable in assuming a non-threatening posture). When the individual has not engaged in violence or destructive acts, avoid physical contact and take time to assess the situation.

Move slowly and do not excite the disturbed person. Provide reassurance that law enforcement are there to help and that he will be provided with appropriate care.

C. Communicate with the individual in an attempt to determine what is bothering him or her. Relate your concern for his feelings and allow him to ventilate his feelings. Where possible, gather information on the subject from acquaintances or family members and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.

D. Do not threaten the individual with arrest or in any other manner as this may create additional fright, stress and potential aggression.

E. Avoid topics that may agitate the person and guide the conversation toward subjects

that help bring the individual to a state of calm.

F. Always attempt to be truthful with a mentally ill individual. If the subject becomes aware of a deception, he or she may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.

No individual will be arrested for behavioral manifestations of mental illness that are not criminal in nature. Taking a mentally ill individual into custody can occur only when the individual:

1. Has committed a crime, or
2. Presents a danger to the safety of himself/herself or others and meets the criteria for involuntary emergency or non-emergency mental commitment.

CHAPTER 17 – SMALL UNMANNED AERIAL SYSTEM OPERATION

PURPOSE

The purpose of this policy is to establish policy and procedures for the small Unmanned Aerial System (sUAS) Program. The sUAS flight drones will be used to obtain forensic digital data in the support of crash investigations, crime scene mapping, and police operations.

17.1- DEFINITION

Small Unmanned Aerial System (sUAS) - an unmanned aircraft that is remotely piloted, or remotely operated, that does not carry a human operator, that can fly autonomously or remotely, and can be expendable or recoverable as defined in I.C. Title 21 Chapter 213 (1)(a).

Federal Aviation Administration (FAA) means the division of the United States (U.S.) Department of Transportation that inspects and rates civilian aircraft and pilots, enforces the rules of air safety, and installs and maintains air-navigation and traffic-control facilities and pilot testing. FAA is tasked with enforcing 14 CFR Part 107, regulation of sUAS.

Information means any evidence, images, sounds, data, or other information gathered by a

sUAS.

Remote Pilot in Command (RPIC) means the primary operator of the sUAS who must pass a FAA Part 107 remote pilot written exam, complete manufacturer's training course and be well-versed in aviation vocabulary.

Observer means the person who assists the RPIC with preparation of sUAS equipment, launch preparation, and monitoring of site conditions. Observers can be chosen by the RPIC from officers present at the scene. No prior training other than a RPIC briefing is needed.

sUAS Coordinator means the personnel assigned to oversee the Highway Patrol sUAS Program.

Airwatch Agent is an enterprise mobility management software management systems for content, applications and email used by the South Dakota Bureau of Information and Telecommunication (BIT).

17.2 - General Provisions

17.201 - The sUAS must be piloted by a certified pilot in cooperation with a competent observer. The sUAS is generally equipped with video recording equipment capable of taking both moving and still images, and is also equipped with forward looking infrared imaging systems capable of detecting heat signatures. Weapon payloads will not be used and chemical agent payloads may only be used with the approval of the Secretary of DPS, the Superintendent or the Assistant Superintendent.

17.202 - All sUAS mission requests will be authorized by a district commander or designee. Generally, the sUAS will be used for the following missions:

- a. crime scene photography and scale evidence mapping;
- b. crash scene photography, vehicle placement, and scale evidence mapping;
- c. scene size up;
- d. search and rescue operations;
- e. hazardous material scenes;
- f. major disaster scenes;
- g. law enforcement tactical situations;
- h. search warrants; or
- i. other missions that are approved by the Highway Patrol that may be necessary to preserve the health, safety, and welfare of people or property within the State of South Dakota.

17.203 - Troopers may apply for available openings as a RPIC. Assignment as a RPIC is a work assignment and there is no guarantee of the duration of that assignment.

The minimum requirements for applicants are:

- a. permanent status as a sworn Trooper.
- b. have a rating of "meets expectations" or higher in ACES for the previous year.
- c. a positive recommendation by their district command staff; andd.
- d. a willingness to commit to a minimum of three years as a RPIC.

17.204 - Assignments of RPICs are made by the sUAS Coordinator with the concurrence of the Assistant Superintendent. The sUAS Coordinator and Assistant Superintendent may reassign RPIC duties to another officer at any time to fulfill the needs of the department. Troopers may request in writing to be removed from the assignment as a RPIC. Removal is made at the discretion of the sUAS Coordinator with the concurrence of the Assistant Superintendent.

17.205 - The Highway Patrol sUAS shall be marked with a DPS number and with a FAA UAS# affixed to the inside sUAS battery compartment. In addition, the sUAS shall be labeled with the Highway Patrol Division phone number.

17.206 - The Highway Patrol sUAS shall be legally operated in accordance with all FAA regulations, State Laws, and manufacturer specifications. sUAS RPIC shall become familiar with all applicable statutes and restrictions on use of unmanned aircraft systems and shall operate the sUAS in accordance therewith.

17.207 - The Highway Patrol sUAS shall be legally operated in open air space, taking legal expectation of privacy rights into consideration.

17.208 - The mobile device utilized to view the video/camera feed from the sUAS shall be a state owned device and enrolled in the Airwatch Agent provided by BIT.

17.209 - The RPIC is the only person authorized to operate the sUAS and should be accompanied by a competent sUAS Observer. The RPIC is responsible for making the final determination for when the sUAS will be safely utilized or if a mission must be terminated based on adverse weather, airworthiness, darkness, or other hazardous conditions. Caution should be taken when the Highway Patrol sUAS is operated directly over roadways.

17.210 - All information gathered by a sUAS shall be subject to rules of evidence and Highway Patrol record/evidence retention policy. Data gathered by any sUAS mission shall be off-loaded into the District designated video management system.

17.211 - All sUAS accidents and incidents involving fatalities, injuries, property damage, and fly-aways shall be reported to the Assistant Superintendent immediately. In the event of the intentional downing of a Highway Patrol sUAS by firearms or vandalism, a third party law enforcement agency will be contacted and requested to investigate. In addition, the FAA Law Enforcement Officer shall be notified.

17.212 - FAA regulations require the RPIC to notify the FAA within 10 days of the operation if any of these thresholds are met:

(1) Serious injury to any person or loss of consciousness caused by a sUAS. It would be considered serious injury if a person requires hospitalization, but the injury is fully reversible including, but not limited to:

- a. Head trauma;
- b. Broken bones; or
- c. Laceration to the skin that requires suturing.

(2) Damage to any property, other than the sUAS, if the cost is greater than \$500 to repair or replace the property (whichever is less).

17.213 - A report shall be completed detailing the incident and the FAA will be notified using the Part 107 sUAS reporting website. https://www.faa.gov/uas/report_accident/

17.214 - Highway Patrol personnel using the sUAS will comply with all applicable federal and state rules and regulations.

17.215 - At the conclusion of each flight, the RPIC shall immediately enter flight information into the sUAS Flight Log within the Records Management System.

CHAPTER 18 – DOMESTIC VIOLENCE

18.1- DOMESTIC VIOLENCE

PURPOSE

This section outlines the proper procedures for responding to and assisting in the investigation of a domestic abuse or domestic violence complaint. Officers should be cognizant of the potential for victims to deny abuse or the severity of injuries. Additionally, aggressive behaviors from both the victim and suspect are frequently turned against the responding officers.

LAW PERTAINING: SDCL 23A-3-2.1 - Warrantless arrests

LAW PERTAINING: SDCL 25-10 - Domestic Violence Policy

18.101 - When responding to domestic abuse or violence calls, officers will primarily provide assistance to the local law enforcement agency responsible for criminal investigation in the jurisdiction. If the local law enforcement agency is unable to respond or does not take appropriate action at the scene, officers will take action according to state law and this policy.

18.102 - Officers responding to any domestic violence call will request dispatch to check NLETS for the existence of a protection order. The protection order will indicate specific terms and conditions, including the possibility of possession of firearm(s). Officers should contact the originating agency if there are questions about the protection order before taking action.

18.103 - Contact should be maintained with appropriate dispatch centers, including a request for back-up law enforcement. The officers responding to the call should evaluate the situation in terms of their own safety and that of the parties involved. South Dakota law specifically addresses domestic abuse and domestic violence offenses and mandates that officers make arrests in defined situations. The pertinent statutes are SDCL 23A-3-2.1 and 25-10-35.

18.104 - When responding to any domestic abuse/domestic violence call, the officer shall arrest any person whom they have probable cause to believe has committed any crime. A case report detailing the officer's actions is required. A copy of the case report will be forwarded to the state's attorney, who will determine whether or not any additional charges will be filed.

18.105 - Officers may encounter a situation where spouses, former spouses, or other persons who reside together have assaulted each other. Officers are not required to arrest both persons.

Officers shall arrest the person determined to be the primary physical aggressor. SDCL 25-10-35 requires that officers consider three things in this situation:

- A. The intent to protect the victim of domestic abuse.
- B. The comparative extent of injuries inflicted or serious threats creating fear of physical injury.
- C. The history of domestic abuse between the persons involved.

18.106 - Additionally, officers shall arrest and take into custody a person who:

- A. Violates the provisions of a protection order prohibiting acts or threats of abuse or excluding the person from a residence.
- B. Is 18 years old or older who, within the preceding four hours, has assaulted that person's spouse, former spouse, or a person 18 years or older with whom the person resides or has formerly resided and the officer believes:
 - 1. Has committed an aggravated assault;
 - 2. Has committed an assault, which has resulted in bodily injury to the victim, whether or not the injury is observable;
 - 3. Has attempted by physical menace to put another in fear of imminent bodily harm.

18.107 - In any situation where an arrest is mandated, the victim may request that no arrest be made or that nothing further be done. This request can only be honored by the state's

attorney's office. The officer must follow through with the arrest and refer the victim to the state's attorney's office.

18.108 - Other Class 1 misdemeanors or felonies shall result in an arrest. If a Class 2 misdemeanor occurs in an officer's presence, an arrest may be made. Refer persons inquiring about making a citizen's arrest to the appropriate state's attorney's office.

18.109 - Officers responding to, or assisting at, domestic abuse/violence calls should provide necessary information, aid and assistance to the victim(s) at the scene. This may include:

- A. Medical care or medical referral;
- B. Transportation or referral to shelters;
- C. Standby for removal of personal property;
- D. Assistance in pursuing criminal prosecution; or
- E. Notification to victims of their rights.



CHAPTER 19 – USE OF NALOXONE

19.1 PURPOSE

The purpose of this policy is to establish guidelines and regulations governing the utilization of Naloxone by trained personnel with the SD Highway Patrol. The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses.

19.2 POLICY

It is the policy of the Highway Patrol that all sworn staff are required to be trained in the use of Naloxone. For all highway patrol staff, authorization to possess and administer Naloxone is authorized through the Medical Director for the Division of Criminal Investigation. SDCL 34-20A-101, 102, and 103 provides protection for nonmedical individuals from liability when administering Naloxone to reverse an opioid overdose.

19.3 Definitions

Administration of Opioid Antagonist

The administration of an opioid antagonist by an authorized person pursuant to South

Dakota law.

Emergency Medical Service (EMS)

The services rendered by licensed Emergency Medical Technicians (EMT) or certified EMS first responders in response to a person's need for immediate medical care to prevent loss of life or aggravation of a physical illness or need.

Medical/Physician Director

A physician who is responsible for oversight of an opioid antagonist administration program including providing for or ensuring the medical control of trained first responders; development, implementation, and evaluation of medical protocols; oversight of quality assurance activities; and compliance with South Dakota Board of Pharmacy requirements.

Naloxone Agency Coordinator

A person who has been designated to provide guidance and supervision for trained first responders who are equipped with Naloxone and to oversee training and services coordination, quality assurance, and reporting.

Opioid

Containing or derived from opium including, but not limited to, heroin and morphine.

Opioid Antagonist

A drug that nullifies in whole or in part the administration of an opioid. The opioid antagonist for the purpose of this policy is limited to Naloxone.

Opioid Antagonist Training Program

A training program conducted by an approved instructor designated by the Medical Director which prepares a person to administer an opioid antagonist as shown by best practices or recommended by the South Dakota Department of Public Health.

Protocols

Predetermined written medical care plans which includes standing orders.

19.4 Training

A. All participating uniformed members will receive initial training that shall include:

1. An overview of SDCL 34-20A-101, 102, and 103 that permits a person in a position to assist a person at risk of experiencing an opioid-involved overdose to use Naloxone;
2. Patient assessment including signs and symptoms of opiate-related overdose;
3. Universal precautions;

4. Rescue breathing;
5. Seeking medical assistance;
6. Administration of Naloxone;
7. The potential side effects of Naloxone;

8. Naloxone on pediatric patients.

B. All newly hired personnel in the above-mentioned positions shall receive the initial training within 180 days of his or her first day of employment.

C. All participants shall be trained every three years on Naloxone administration.

D. Upon successful completion of Naloxone training, a qualified physician selected by the highway patrol and under agreement with the highway patrol shall prescribe Naloxone for the trained personnel.

E. The highway patrol will identify an individual to be the coordinator for the Naloxone administration program. Responsibilities include:

1. Maintaining training records for the personnel;
2. Assuring the supply, integrity, and expiration dates of the Naloxone kits;
3. Assuring the maintenance of the administration records.

F. The agency program coordinator will facilitate Naloxone user training for employees. The coordinator will maintain training records for all personnel and update these records as training events occur.

19.5 Protocol

A. Active response of EMS and make the scene safe.

B. Assess the victim

1. Conscious or easily roused - if yes, do not give Naloxone;
2. Not conscious, abnormal breathing with pulse - if yes, give one dose of Naloxone in a

nostril;

3. Not conscious, abnormal breathing with NO pulse - if yes, notify dispatch and administer one dose of Naloxone in a nostril.

C. Monitor victim

1. Breathing improves within one minute - if yes, place in recovery position and reassess frequently;

2. Breathing does not improve within 2-3 minutes - if yes, administer second dose of Naloxone in the other nostril.

D. Infants and children

1. Children or adolescents five years or older should receive the same dose as adults;

2. Infants and children less than five years or less than or equal to 40 pounds the employee should consults EMS.

E. Upon arrival of EMS/ambulance, give responding emergency services personnel a full report of victim assessment, use of Naloxone, and victim's response to use of Naloxone.

19.6 Maintenance/Replacement

A. Naloxone kits shall be carried and/or kept in a manner consistent with proper storage guidelines for temperature and sunlight exposure. Naloxone should be kept in the officer's duty vehicle and while off duty it should be stored with his/her equipment indoors where the temperature should not be less than 59 degrees F nor higher than 86 degrees F.

B. A monthly inspection of the Naloxone kit shall be the responsibility of the personnel assigned the equipment.

C. Used, lost, damaged, or expired Naloxone kits shall be reported through the chain of command and will be replaced at the discretion of the agency coordinator.

D. Expired Naloxone will be properly disposed of according to agency standards and/or FDA policy.

19.7 Documentation

A. Following Naloxone administration, highway patrol personnel shall submit a case report to his or her supervisor detailing at a minimum the following:

1. The nature of the incident;

2. The care the patient received;

3. The fact that Naloxone was administered.

B. A copy of the case report will be forwarded electronically through the RMS to the agency coordinator.

